

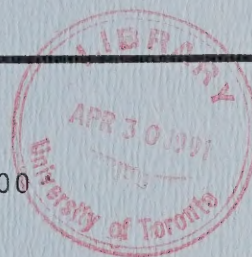
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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 300



DATE: Thursday, March 28, 1991

BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249

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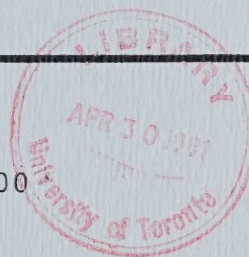
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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME:

300



DATE: Thursday, March 28, 1991

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E. MARTEL Member

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable
Jim Bradley, Minister of the Environment,
requiring the Environmental Assessment
Board to hold a hearing with respect to a
Class Environmental Assessment (No.
NR-AA-30) of an undertaking by the Ministry
of Natural Resources for the activity of
Timber Management on Crown Lands in
Ontario.

Hearing held at the offices of the Ontario
Highway Transport Commission, Britannica
Building, 151 Bloor Street West, 10th Floor,
Toronto, Ontario, on Thursday, March 28,
1991, commencing at 9:00 a.m.

VOLUME 300

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
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MR. B. CAMPBELL)	
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I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>ZANE SMITH</u> , Resumed	53310
Cross-Examination by Mr. Cosman	53310

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1770	Document entitled Forest Service Planning: Setting Strategic Direction Under RPA dated July 1990, consisting of 140 pages.	53327
1771	Excerpts from document entitled Forest Service Planning: Setting Strategic Direction Under RPA dated July 1990 re the Congressional study, consisting of 14 pages.	53328
1772	Document entitled National Forest Planning: Searching For Common Vision, Volume 2 of the Conservation Foundation's critique, consisting of 91 pages.	53356
1773	Volume 8 of the Conservation Foundation critique entitled Usefulness of Forest Plans, dated June 1990, consisting of 17 pages.	53405
1774	Volume 9 of the Conservation Foundation critique entitled Analysis of an Emerging Timber Supply Disruption, dated June 1990, consisting of 44 pages.	53413
1775	Congressional Record of the Senate for June 20, 1990 re a bill to facilitate the implementation of national forest land and resource management plans and for other purposes, consisting of 16 pages.	53428

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
	(Continued)	
1776	Statement of James S. Riley, Executive Vice-President of the Intermountain Forest Industry Association before the Subcommittee on Public Lands, National Park and the Forests Committee on Energy and Natural Resources of the United States Senate, October 25th, 1989, consisting of 16 pages with a 10-page letter attached.	53450
1777	Statement for the record of Deborah Baker, Executive Director of Region 8 Forest Service Timber Purchasers Council before the Subcommittee on Public Lands, National Parks, and Forests Committee on Energy and Natural Resources and the Subcommittee on Conservation and Forestry Committee on Agriculture, Nutrition and Forestry, of the United States Senate, dated October 25, 1989, consisting of 16 pages.	53459
1778	Statement for the record of James Geisinger, President of the Northwest Forestry Association before the Subcommittee on Public Lands, National Parks, and Forests Committee on Energy and Natural Resources and the Subcommittee on Conservation and Forestry Committee on Agriculture and Nutrition and Forestry of the U.S. Senate, dated October 25, 1989, consisting of 23 pages.	53463

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u> (continued)	<u>Page No.</u>
1779	Three-page document with quotations from various sources that comment on FORPLAN taken from various papers presented at a symposium in Denver, Colorado and prepared by Industry.	53470
1780	Illustration of the time frame required to have a timber sale implemented under an approved land and resource management plan for the Willamette National Forest prepared by Mr. Cosman and Mr. Munro.	53481
1781	Copy of the Federal Register for February 15th, 1991. It is 36 CFR, Part 219, National Forest System Land and Resource Management Planning: Advance Notice of Proposed Rulemaking.	53491

1 ---Upon commencing at 9:00 a.m.

2 MADAM CHAIR: Good morning. Please be
3 seated.

4 Mr. Cosman.

5 MR. COSMAN: Thank you, Madam Chair.

6 Good morning, Mr. Smith.

7 THE WITNESS: Good morning.

8 ZANE SMITH; Resumed

9 CROSS-EXAMINATION BY MR. COSMAN:

10 Q. Now, we had the benefit over the past
11 few days on your views of the U.S. forestry planning
12 system and I think you have fairly admitted that you
13 are not an expert on the planning system in Ontario?

14 A. Correct.

15 Q. Furthermore, in one of our
16 interrogatories, just in terms of the limitation on how
17 far you can go, you admitted that you have no Canadian
18 work experience?

19 A. That's correct.

20 Q. And you have, in terms of this
21 present brief on behalf of Forests for Tomorrow or in
22 terms of your own work experience, you have no
23 on-the-ground experience in the northern boreal forest
24 in Ontario?

25 A. That's right.

1 Q. Now, in terms of scientific issues
2 involving the northern boreal forest, you have said in
3 your testimony that we should rely on what our own
4 scientists say? Is that something you stand by?

5 A. I don't recall saying it quite that
6 way, but I agree. That's a principle I would adhere
7 to.

8 Q. In terms of the evidence that the
9 Board hears on the northern boreal forest, you have
10 no -- let's put it this way, you have no scientific
11 background or managerial experience involving that kind
12 of forest?

13 A. I have no scientific background. I
14 have no managerial experience in an organization
15 dealing with the boreal forest outside of the limited
16 boreal forest the U.S. Forest Service manages in
17 Alaska.

18 Q. Your hands-on experience has largely
19 been in the west in the United States?

20 A. That's correct.

21 Q. Now, I am not going to go into the
22 differences between the Pacific northwest forest or the
23 Ontario forest. One of my colleagues did it with
24 another witness earlier in this proceeding, but I just
25 want to make the point -- or perhaps I can put it to

1 you, that you will accept that, first of all, with
2 respect to planning that there are other ways to plan
3 than the way that is being done by the U.S. Forestry
4 Service?

5 A. Yes.

6 Q. And with the differences between the
7 Ontario political system, the Ontario regulatory
8 system, the Ontario economic situation and the forest
9 itself, you are not suggesting to this Board that
10 Ontario should import the U.S. system?

11 In fact, I think your counsel said you
12 are not suggesting that?

13 A. In fact I would suggest you would not
14 as it has been, you know, performed in the past.

15 Q. In fairness, what you have done in
16 terms of the Ontario system - that's you personally -
17 is to comment from your experience as a U.S. Forest
18 Service manager on a limited number of documents that
19 were shown to you? You did not actually do a study of
20 the Ontario system?

21 A. That's correct.

22 Q. Now, you said in your testimony
23 in-chief that the U.S. forestry -- the U.S. Forest
24 Service industry had been a good steward of the
25 forest - I just made a quote - that sometimes the

1 public believes differently.

2 In that respect, is it true that the
3 public does not often realize or accept that there is a
4 difference between public lands that are set aside for
5 parks or U.S. Forest Service public lands?

6 The public doesn't make that distinction
7 when it deals with public lands?

8 A. In the U.S., I don't think that's an
9 accurate statement. The public does distinguish
10 between them.

11 In fact, the expectation on the public
12 lands is still quite a lot different than the
13 expectation on private lands, but that distinction has
14 narrowed somewhat in the past decade or so.

15 Q. I think that's the point that I am
16 making. With respect to public lands, Mr. Smith, is it
17 fair to say that the public looks upon those as
18 something that should be available to it for its
19 purposes, and quite fairly?

20 If the public wants wilderness, whether
21 that wilderness is in a park or whether that wilderness
22 is on a national forest, that's what the public wants,
23 it doesn't -- the unsophisticated public. I'm not
24 talking about the sophisticated lobby groups, but the
25 unsophisticated public knows it wants wilderness and it

1 doesn't make the distinction between public lands,
2 whether they be national forest lands or park lands?

3 A. I don't entirely agree with that for
4 the U.S. I think there is a distinction. It's sort of
5 evidenced in the way the public challenges public land
6 and does not in many instances does not challenge what
7 goes on on private land.

8 Q. I was making the distinction not
9 between public and private, but between public lands
10 that are under the parks regime and public lands that
11 are under the national -- or the U.S. Forest Service
12 regime?

13 A. Yes, I think that's accurate.

14 Q. Okay.

15 A. They tend not to know the difference
16 between parks and forests, particularly just casually
17 looking at them. It's all parks or all forest.

18 Q. In terms of debate and the issues
19 that are - I would even say - raging in terms of forest
20 lands, the issue is not whether there should be, for
21 example, old growth forest, but the question is: How
22 much is enough?

23 That's how it is -- that's how the debate
24 is being presented. Even the most conservative private
25 sector company isn't today saying there shouldn't be

1 old growth land, the question is: How much is enough?

2 A. That's correct.

3 Q. And similarly with biodiversity, no
4 one is contesting that we should not protect the
5 biodiversity, the real issue is, first of all, what it
6 means and then how do you protect it?

7 A. I think that's basically right.
8 There are always extreme views on both of those issues,
9 but by and large what you've described is accurate in
10 my view.

11 Q. Turning to the differences between
12 Ontario and the United States. The Board has heard
13 evidence on some of these and, firstly, let me just
14 talk about the economic perspective; that is, the Chair
15 noted in asking you whether the U.S. system has the
16 luxury of the availability of private lands to supply
17 wood to the forest industry whereas northern Ontario
18 does not, one of those distinctions is that in the
19 United States only 18 per cent of the nation's supply
20 of softwood, saw timber comes from national forests,
21 whereas in Ontario there are very few private lands
22 that are available to provide the wood supply to the
23 forest industry.

24 I think -- whether you knew that or not,
25 you acknowledged it?

1 A. I had heard that.

2 Q. You heard it, okay.

3 A. Yes.

4 Q. In terms of the United States, I
5 understand that you said that because of policies and
6 trends that this reliance on the national forest in
7 terms of trend is declining because of the demands of
8 other users on those public national forest lands?

9 A. That's a two-edged sword. That is
10 true as a generality, and as I look to the future the
11 non-industrial private lands in the U.S. are going to
12 have to carry more of its share.

13 On the other hand, by region and
14 locality, the opposite is presently true. The private
15 lands, private commercial forest lands, for example, in
16 the states of Oregon, Washington and California, the
17 harvest has been accelerated to the point where the flow
18 is no longer what it was and those same companies
19 requiring log supplies are looking to the national
20 forests.

21 So the relationship between national
22 forest supply coming on line and private supply, where
23 it was like this at one time has begun to come like
24 this. (indicating)

25 Q. Let me ask you this. There is

1 certainly not going to be an increased -- I will ask
2 you the question.

3 We are playing crystal ball here and
4 playing futurist, but do you see in terms of trends
5 that there is going to be, given the opposition - and I
6 am going to come to that in a minute - to harvesting on
7 public lands in relation to other users' demands for
8 those public lands, you don't foresee in terms of a
9 trend for the future that that 18 per cent is going to
10 increase; in fact, the opposite is going to happen?

11 A. Over the long period this would be
12 speculation on my part.

13 Q. We have done a little bit of that in
14 this hearing.

15 A. I think you're right. The Resources
16 Planning Act Strategic Program for the Forest Service
17 does not match that speculation.

18 I think, however, that was done prior to
19 the obvious legislative interest in protecting old
20 growth and the emergence of certain threatened and
21 endangered species such as spotted owls. So I would
22 personally adjust that to say you're probably about
23 right.

24 Q. Okay. Now, another major difference
25 between the Ontario situation and the U.S. situation is

1 in terms of population demand. You pointed out -- you
2 pointed to the pressures of urban populations on public
3 lands in the United States in your testimony and by
4 calculation, just as a generality, there are some 260
5 million people in the United States looking to national
6 forests that make up what percentage of the land base?

7 A. I believe it's eight per cent. It is
8 291 acres.

9 Q. 291 acres.

10 A. Yes.

11 Q. Okay. So it is 260 million people
12 looking to an 8 per cent land base for public
13 recreational opportunity?

14 A. Well, on the national forest.

15 Q. On the national forest.

16 A. One-third of the United States is
17 publicly-owned.

18 Q. And so you are talking park land, you
19 are talking Bureau Land Management and you are talking
20 baseball park when you talk in that context?

21 A. But it's all public land.

22 Q. Yes. But in terms of forest land,
23 the national forests make up the largest amount of
24 forests that would be available to the public for their
25 recreational opportunity?

1 A. Yes, that's right. BOM, Bureau of
2 Land Management, does manage a very significant amount
3 of forest lands in Oregon, northern California and
4 Alaska. So I don't want to misrepresent. There is a
5 large block of forest lands that's used for recreation
6 managed by other agencies.

7 Q. I guess what I am really pointing out
8 to you is the future trend and notwithstanding that
9 there are other -- under other governmental bodies
10 other public lands, there are increasing pressures of
11 urban populations for the use of public lands for
12 recreational opportunity?

13 A. Yes.

14 Q. Now, the third difference, and I
15 won't go into it because we have dealt with it, but
16 there are significant budget and staffing differences,
17 as you probably now appreciate, between the situation
18 in Ontario and the United States?

19 A. I don't know what the staffing is in
20 Ontario, but I assume there is probably a disparity.

21 Q. Right. A conclusion that might be
22 drawn, given some of those differences, has to do with
23 the availability of the public lands in Ontario for
24 providing wood supply to industry, and you agreed in
25 your testimony that given the difference between

1 Ontario and the United States - and I put a quotation
2 around it - more lands may need be dedicated in Ontario
3 for timber, but through planning, you don't have to
4 sacrifice other resources.

5 So you accept -- now that you know what
6 the difference is between public ownership and private
7 ownership of land, the land patterns in terms of the
8 availability of forest to the forest industry, would
9 that be the base for your statement that more lands may
10 need be dedicated in Ontario for timber, but then you
11 go on to say: through planning, you don't have to
12 sacrifice other resources?

13 A. I have no way of knowing what Ontario
14 ought to do. I'm suggesting that it's quite possible
15 after you go through an integrated forest planning
16 process that you would end up with proportionately
17 more; you know, reliance on the public lands in Ontario
18 for timber purposes than the national forest, but I
19 don't think anybody can tell you unless you go through
20 the process of weighing the relative values.

21 Q. If I were to suggest to you that
22 Ontario is not sacrificing other resources in favour of
23 timber, you are not here in a position today to tell
24 this Board that Ontario is sacrificing other resources;
25 are you?

1 A. No, I don't know that for a fact.

2 Q. Okay. I would like to turn to the
3 U.S. planning experience because Ms. Swenarchuk and her
4 client are asking the Board to derive some principles
5 from that system and that experience to assist this
6 Board in determining what should take place in Ontario.

7 In turning to the U.S. planning system, I
8 want to start at the national level and just putting it
9 in context - and I am going to step back - there are
10 two very important pieces of legislation that set the
11 ball rolling since 1974.

12 There is the act known as the Forest and
13 Range Land Renewable Resources Planning Act which I am
14 only going to call the RPA from now on, because that's
15 quite a mouthful, and you have another act that amends
16 the act called the National Forest Management Act,
17 which came into place in 1976. That is the modern
18 legislative context.

19 A. (nodding affirmatively)

20 MR. FREIDIN: Did the witness agree?

21 MR. COSMAN: He nodded.

22 THE WITNESS: Yes. There are many other
23 statutes, but these are the two principal things that
24 drive planning for the Forest Service.

25 MR. COSMAN: Q. In terms of what those

1 statutes do, the RPA, the 1974 act, requires that the
2 U.S. Forest Service prepare every 10 years an
3 assessment describing the current and expected demand
4 for forest resources; and secondly, the potential to
5 meet that demand. That's my understanding of that
6 legislation.

7 Is that, in a nutshell, what it does?

8 A. Yes.

9 Q. This assessment is used as a basis
10 for preparing - capital P - Programs which are done
11 every five years; is that right?

12 A. It is used as a basis for the Forest
13 Service Program.

14 Q. All right.

15 A. As opposed to a program for all
16 jurisdictions.

17 Q. Okay, thank you. So in terms of,
18 first of all, the RPA itself, you have got the
19 assessment and then you have got the program and there
20 have been two assessments; one in 1979, one in 1989?

21 A. That's right.

22 Q. In terms of the program, you have
23 1976, 1980, 1985 and 1990?

24 A. Yes.

25 Q. Just putting in it, again, in

1 context, going back as to what this legislation did, I
2 understand that the RPA required by law the development
3 of land use plans for the nation's forests. They were
4 called Land and Resource Management Plans?

5 A. Yes.

6 Q. Okay. In 1976, when the National
7 Forest Management Act was enacted, it provided
8 statutory guidance in the preparation of those plans
9 and it required a forest plan to provide in a single
10 set of documents the overall guidelines for a national
11 forest for a 15-year management plan?

12 A. Ten to 15 years.

13 Q. Up to 15 years?

14 A. Yes.

15 Q. Okay. Now, as to what the RPA
16 assessment on the national level does, I would ask you
17 to turn to page 16 of your witness statement.

18 Starting at the bottom of page 15 there
19 is a paragraph which describes the assessment and the
20 program and you say that:

21 "The assessment is a comprehensive
22 appraisal of the renewal resources
23 situation in all forests and range lands,
24 both public and private, in the United
25 States..."

1 And you go on to say that:
2 "The program that is prepared provides
3 guidance for management and
4 administration of the national forests...
5 and private forestry programs
6 for the forestry research service."

7 Now, one thing we didn't hear in your
8 evidence is the level of criticism that has been
9 generated in the United States about the success of the
10 RPA.

11 I know you weren't asked that and I am
12 not saying that you should have said it, but I'm going
13 to put before you a document prepared by the Congress
14 of the United States, Office of Technology Assessment.
15 I am only going to be referring to specific pages. I
16 have the full document here.

17 I am going to -- first of all, are you
18 familiar with the document Forest Service Planning:
19 Setting Strategic Directions Under RPA by the Office of
20 Technology Assessment, Congress of the United States?

21 A. I'm sure I have seen that, probably
22 reviewed it.

23 MR. COSMAN: I will file as the next
24 exhibit, Madam Chair, the full document which will be
25 available to everybody, but I am only going to make

1 reference to excerpts which I will file as a second
2 exhibit.

3 MS. SWENARCHUK: One has to wonder,
4 looking at this document and pile we have on the table,
5 why these documents weren't provided in advance to the
6 witness.

7 I simply want to state in advance for the
8 benefit of the witness and for the Board in recalling
9 previous examples of this, that of course a witness
10 cannot be required or expected to provide an overall
11 assessment of a document like this, with no advanced
12 notice, and he may, in fact -- in the case of this
13 document, he thinks he may have seen it before, perhaps
14 he hasn't.

15 In any event, the importance for the
16 Board of comments that he may be able to make off the
17 cuff, on a document of this size, of course has to go
18 to the weight that's to be attached to the entire line
19 of the questioning.

20 MR. COSMAN: Mr. Swenarchuk is right,
21 Madam Chair.

22 If I was going to ask the witness to give
23 me his assessment of this document -- I am not going to
24 do that, as you will see. If I said to him, I want you
25 to -- first of all, I would expect this witness who is

1 testifying as an expert on the planning system in the
2 United States to be at ease, as he said he was, with a
3 great deal of the plannings documents that make up the
4 background of the U.S. planning system, and I didn't
5 ask him to go back and read everything that does make
6 up the background documentation to that system which he
7 described before you.

8 As I said to you, I am only going to be
9 relying on specific excerpts, and with respect to those
10 excerpts, I am going to be asking specific questions.
11 I am not asking for this person, and I don't expect
12 this individual, to have a full picture of everything
13 that's in a document or to remember even if he has read
14 it before. If Ms. Swenarchuk wants to ask the witness
15 any questions in reply about it, that is certainly her
16 right.

17 MADAM CHAIR: Mr. Smith, this Board
18 allows witnesses every opportunity to review material
19 and feel comfortable with it.

20 As you go through this, if you feel you
21 need more time to look at it, you will certainly be
22 given that time. Obviously, your stay with us is going
23 to be extended into next week. If there are any
24 matters we can't deal with today, and you need more
25 time, then simply tell the Board.

1 THE WITNESS: I appreciate that very
2 much. Looking at the date of this document, if it is
3 1990, then I will say, I have not seen it.

4 MR. COSMAN: All right.

5 Madam Chair, the excerpts from the
6 document...

7 Q. This is post your retirement; is it?

8 A. Yes.

9 MR. COSMAN: All right. It is a recent,
10 new document, Madam Chair. It is a report of the
11 Office of Technology Assessment for the Congress of the
12 United States, and it is a study of Forest Service
13 Planning: Setting Strategic Direction Under the RPA.
14 That's the first statute that we just talked about, and
15 it is a July 1990 document.

16 I have copies of the portions that I am
17 going to be referring to.

18 MADAM CHAIR: The entire document will be
19 Exhibit 1770 and it has approximately 140 pages.

20 ---EXHIBIT NO. 1770: Document entitled Forest Service
21 Planning: Setting Strategic
22 Direction Under RPA dated July
1990, consisting of 140 pages.

23 MR. COSMAN: What you have in the
24 excerpts, Madam Chair, the next document is the summary
25 from the Congressional study.

1 MADAM CHAIR: And those are pages...?

2 MR. COSMAN: It goes up to -- sorry. It
3 goes up to page 11 and then there are two separate
4 pages, page 108 and page 109, they are all stapled
5 together. So the first part of the document up to page
6 11 and then pages 108 and 109 which speaks to fiscal
7 resources.

8 MADAM CHAIR: Thank you. That will be
9 Exhibit 1771.

10 ---EXHIBIT NO. 1771: Excerpts from document entitled
11 Forest Service Planning: Setting
12 Strategic Direction Under RPA
13 dated July 1990 re the
14 Congressional study, consisting
15 of 14 pages.

14 MR. COSMAN: Q. What I am going to do is
15 I am going to refer to certain parts of the document
16 and ask you to comment on them if you can. If you need
17 more time, then you can certainly take the time that
18 you need.

19 Turning to the Foreword, Madam Chair, I
20 am just going to read the parts of it that I am going
21 to ask you to comment on. The Foreword which is -- and
22 starting in the second paragraph:

23 "In 1974, Congress enacted the Forest and
24 Rangeland Renewal Resources Planning Act
25 (RPA) to assure long-term sustainable

1 management of our Nation's renewable
2 natural resources and to increase public
3 involvement in policy and budget debates.
4 In 1976, Congress amended RPA and the
5 National Forest Management Act (NFMA) to
6 guarantee sustainable management for the
7 national forests managed by the USDA
8 Forest Service and to assure active
9 public involvement in the forest planning
10 process. Various members and committees
11 of Congress have expressed concern that
12 RPA has not set strategic directions for
13 Forest Service planning at the national
14 level. The RPA assessments have provided
15 useful resource data and analysis, but
16 have been incomplete, while the RPA
17 Programs and Presidential statements of
18 Policy have not sufficiently addressed
19 timely issues, guided budget
20 deliberations, or assured sustainable
21 resource management. In addition, the
22 Annual Report of the Forest Service has
23 not effectively documented progress in
24 Implementing the Program or accomplishing
25 policy objectives.

1 "Congress also has questioned the
2 effectiveness of planning at the forest
3 level under NFMA and has expressed
4 concern over the direction in which the
5 process is headed. Most of the local
6 forest plans have taken much longer to
7 complete than anticipated, and frequently
8 Congress has been asked to address
9 controversial issues which it expected to
10 be resolved in the planning process.
11 Numerous administrative appeals and
12 litigation of forest plans have come from
13 environmentalists, business interests and
14 local governments."

15 The next paragraph sets the background as
16 to what that study was:

17 "Because of these growing concerns, the
18 House Committee on Agriculture, together
19 with the House Interior and Insular
20 Affairs Subcommittee on National Parks
21 and Public Lands and the Senate Committee
22 on Agriculture, Nutrition, and Forestry,
23 requested the Office of Technology
24 Assessment to examine the Forest
25 Service's resource planning technologies

1 and approaches. Because of the pending
2 delivery of the 1990 RPA documents, the
3 Committees asked that OTA examine the RPA
4 planning process first. This report
5 evaluates past RPA efforts, reviews the
6 process used by the Forest Service in
7 preparing the 1989 RPA Assessment and
8 the Draft 1990 RPA Program, and
9 identifies options for improving RPA's
10 contribution to long-range planning and
11 to policy and budget deliberations."

12 Now, you were not aware of this report or
13 that this study was even being done, Mr. Smith?

14 A. I don't know if I was or not. I know
15 that a lot of things that are quoted in here or said,
16 certainly I was aware of.

17 Dissatisfaction on the part of members,
18 the proliferation of single use legislation, the number
19 of appeals, litigation, et cetera, et cetera. This is
20 not surprising at all. You know, I guess I'm not aware
21 of any widespread knowledge or publicity about this
22 particular study. OTA is always doing something for
23 various committees in Congress.

24 Q. You do say you are aware of the
25 criticisms that were -- you read ahead a few pages, I

1 take it?

2 A. No, I just read what's here.

3 Q. Okay.

4 A. I can draw out a lot of things from
5 that and I believe that that's a fairly accurate
6 statement.

7 Q. Okay. Let's turn to page 3. I am
8 going to point to certain paragraphs which summarize
9 some of the comments and criticisms, and I will just
10 ask for your comment on whether you had heard them
11 before or whether it does reflect something new for
12 you.

13 On page 3 of the Summary, second
14 paragraph or second column, Madam Chair, Mr. Martel,
15 the paragraph starting: "RPA established..."
16 It says -- perhaps the best thing to do is I will ask
17 you to mark the part that I am going to outline and
18 reference, and then we can ask Mr. Smith for his
19 comments. There are two references on that page.

20 "RPA sustained a long-range planning
21 process for the Forest Service that is
22 built on principles of strategic
23 planning. Strategic planning establishes
24 a framework through which an organization
25 defines its mission, goals and objectives

1 and sets its future direction. The
2 process typically includes evaluating an
3 organization's present situation,
4 assessing internal strengths and
5 weaknesses, and examining threats and
6 opportunities."

7 Then leaving that paragraph and going to
8 the next full paragraph which sets out the summary.

9 "To date, RPA has not functioned well as
10 a strategic planning system. RPA
11 assessments have suffered from poor data
12 on resource conditions and the
13 analyses of opportunities and threats
14 have been incomplete. RPA Programs have
15 provided neither sufficient guidance for
16 annual budgets nor clear direction for
17 agency activities. Annual Reports have
18 provided inadequate feedback on
19 implementation. And neither the
20 administration or Congress has
21 demonstrated sufficient commitment to
22 make the process work."

23 Now, you have heard these kinds of
24 criticisms before?

25 A. Yes.

1 Q. I want to ask you to turn to page
2 5 -- over to page 6. I will go to the Conclusions.
3 The first part of the summary deals with assessment,
4 the second part of the summary will deal with the
5 program, the third part of the summary deals with
6 presidential statement of policy, the fourth is the
7 annual report. I am going to talk about the RPA
8 assessment, the program and the report to see what the
9 assessment was.

10 If you would turn to page 6 under
11 Conclusions.

12 "The 1989 RPA Assessment, together with
13 the individual resource reports, is a
14 fairly comprehensive document that
15 improves on past efforts. Nonetheless,
16 serious shortcomings remain. Data
17 resource conditions, particularly on
18 resource quality, are lacking for
19 many resources. Assessments of resource
20 conditions often rely on surrogates,
21 professional judgments, and/or outputs to
22 estimate resource quantity or quality.
23 The supply-demand analysis is generally
24 improved over past RPA Assessments,
25 but the required evaluation of investment

1 opportunities is missing. The Assessment
2 ignores major global resource concerns,
3 and generally contains insufficient
4 information on cooperative assistance
5 and research needs and priorities."

6 Have you heard those kinds of criticisms
7 before?

8 A. Yes. I don't necessarily agree with
9 them, but I have heard those --

10 Q. Okay. What do you disagree with?

11 A. Well, I think it's matter of degree.
12 All of these criticisms are true, but they have to be
13 taken in the context of the real world.

14 There is an ideal world out there and
15 then there is the real world, and there is also the
16 social/political factors that bear on the
17 administration which is in power at that time, what
18 position they are going to take. And you are getting a
19 view from a particular slice of perspective here.

20 I think it's worth listening to and there
21 is truth in it, but sometimes there is -- the
22 alternative is worse. It is a little bit like arguing
23 with yourself about your situation or the option that
24 you have chosen. If you consider all the other options
25 you have, you may not like them any better. It might

1 be worse.

2 As a general matter, I think, yes, this
3 is a legitimate criticism. I think it is leading to
4 the improvement of the planning process, but in
5 hindsight, I'm not sure in our system of government it
6 could have been done a whole lot better. It might be
7 just pretty good.

8 Q. Well, let's go on and see what other
9 comments are made and then we can perhaps see if you
10 stand by that conclusion.

11 If you turn back in terms of the
12 perspective, the people who were involved in this
13 report, if you go back -- I have also photocopied that
14 on the materials that were handed out to all the
15 parties.

16 You will see the Planning Technologies
17 Advisory Panel is set out, Madam Chair, at the
18 beginning, and project staff and the workshop
19 participants, which include Yale School of Forestry
20 Academics, Conservation Foundation and others.

21 I won't take you all through it, but just
22 for you to see who actually was involved in the study.
23 I would now like to take you forward to page 8.

24 A. By the way, Mr. Counsel, let me just
25 say that these names I'm very familiar with; personal

1 friends; I know them, I know them professionally and
2 otherwise, and I have a lot of respect for these folks.

3 Q. You would have a lot of respect for
4 their views?

5 A. Yes.

6 Q. Page 8 under Conclusions.

7 This, Madam Chair, if you look back a
8 page, is with respect to the RPA program itself.

9 "RPA Programs have not been useful
10 documents for evaluating policy and
11 budget decisions. The failure to
12 document sources, to describe analytical
13 methods, to provide realistic near-term
14 revenue estimates and accurate cost
15 information, and to relate programs to
16 the finding of the Assessment make
17 alternative strategies difficult to
18 evaluate. The Programs have generally
19 failed as strategic plans, and have
20 provided little help on budget choices.
21 The Forest Service has taken steps in the
22 Draft 1990 Program to move it toward
23 strategic planning by including critical
24 components of strategic planning as well
25 as better information. The Draft falls

1 short of being an effective planning
2 document, however, because of recurring
3 problems of poor linkage to the
4 Assessment and inadequate resource and
5 budget information."

6 Would you -- you heard the kinds of
7 criticisms here that is summarized in the conclusion of
8 the authors?

9 A. Yes, I've heard those criticisms.

10 Q. All right. Forward to page --

11 MS. SWENARCHUK: Frankly, Madam Chair,
12 what particular benefit is it to the Board to ask the
13 witness if he has heard these criticisms. So he has
14 heard them; they simply then are before the Board as
15 criticisms that have been published in a public
16 document and this witness has heard before. And no
17 evidence has been put before you as to the validity of
18 those criticisms at all.

19 MR. COSMAN: Madam Chair, my friend,
20 first of all, as we know, filed numerous documents with
21 this Board asking the Board to read a paragraph here
22 and a paragraph there.

23 I have gone further. This witness has
24 indicated that this is a report prepared by and having
25 advisors whom he respects and the subject of this

1 report is the very system that was held up to you in a
2 way - and I don't criticize the witness - as being
3 something that you should look to at as a model or some
4 direction or guidance if not -- if you shouldn't follow
5 it.

6 I think it is very important that you
7 should hear not only one side of it as to what it is,
8 but hear exactly what the people who work with it and
9 who have experience with it and who have studied have
10 to say because that will help you to know what reliance
11 you should place on it.

12 Now, this witness will have the
13 opportunity to disagree, if there is something that his
14 colleagues in the United States has said about the
15 system that he disagrees with. If I don't ask it, in
16 re-examination Ms. Swenarchuk has the opportunity to
17 ask it.

18 MADAM CHAIR: Thank you, Mr. Cosman. It
19 would be most helpful for the Board to explore with Mr.
20 Smith his understanding of what the criticisms are.

21 It is not particularly helpful for the
22 Board to hear that the RPA isn't useful in evaluating
23 policy and budget decisions. That's not particularly
24 helpful to us, but if Mr. Smith has some specific
25 responses to what this means and his experience we

1 would be interested in it.

2 MR. COSMAN: All right. I think it is
3 important --

4 MR. MARTEL: Can I give you an example,
5 Mr. Cosman, which would be helpful for you just in that
6 conclusion alone, because we look for alternatives, and
7 there has been a great deal in this hearing so far
8 about whether we look at alternatives to the proposal
9 and the various options that are available. And the
10 thing that struck me, if I take you down to line 6, I
11 guess, part of the sentence:

12 "The findings of the assessment makes
13 alternative strategies difficult to
14 evaluate."

15 Now, a discussion of that sort of thing
16 because certainly that is one of the things we have to
17 look at and where that failing is might be helpful, at
18 least to me and obviously to my colleague because she
19 has raised it.

20 If we could look at some of those things
21 because those are the issues which we will have to
22 eventually make a decision on and if there are
23 shortcomings in a system that's being presented to us,
24 it would be nice to look at those shortcomings to
25 improve our own.

1 MR. COSMAN: What I am doing, before I
2 get into specifics, I am actually looking at the large
3 picture. I want to put before you, with respect to the
4 planning system, what people have said and what
5 respected authorities have said in the United States,
6 in terms of pointing to its shortcoming.

7 You will have the opportunity to hear
8 from me and from others what specific particulars of
9 those shortcomings are and why. Part of the problem,
10 of course, is that the systems aren't comparable. So
11 that is a difficulty.

12 You have been told what the systems are
13 in generalities; you have been told you should draw
14 some comfort or derive some principles to follow or
15 apply in our system from it. So you should understand,
16 in my respectful submission, what it is, first of all,
17 in a general way; and then, in a specific way, what is
18 considered to be the difficulties and deficiencies in
19 the U.S. system and that's how I was approaching it.

20 MADAM CHAIR: Go ahead, Mr. Cosman.

21 MR. COSMAN: Thank you.

22 Q. I think I just --

23 MS. SWENARCHUK: Could I just indicate, I
24 have no objections at all to anyone entering into the
25 questions of criticisms that have been raised of the

1 U.S. Forest Service system. I certainly accept the
2 validity of usefulness to the Board of hearing that
3 kind of information, but my concern is just that it be
4 done in a productive way and that a question other
5 than: "Have you seen these criticisms before?" be put
6 to the witness. And that he be given the opportunity,
7 and the Board have the opportunity, to hear his
8 expertise as to whether, in his opinion, those
9 conclusions are valid.

10 MR. COSMAN: Madam Chair, my friend,
11 before she jumps up again during my cross --

12 MS. SWENARCHUK: I will try not to.

13 MR. COSMAN: I would have expected, had I
14 been leading evidence as to the forestry system in the
15 United States, I would have expected it was my duty to
16 bring before you a full picture and not just a very
17 limited, rosy picture of what is going on.

18 You do not have the context yet of the
19 whole system and you will have it, I hope, by the end
20 of my cross and its deficiencies. And you will have
21 full opportunity to deal with any specifics, but it is
22 very important that, especially given the suggestion
23 that you must look to it for some guidance, that you
24 understand the full context and how that system works.

25 Now, how a cross-examiner -- I could have

1 just started off by saying, buried in the program there
2 is this comment about a lack of alternative analysis,
3 what do you have to say about that? But you have to
4 make and show you the general picture first, and that's
5 what I am doing. There is going to be a full
6 opportunity to deal with specifics, and anything that I
7 leave out, Ms. Swenarchuk and other parties will have a
8 right to ask and the Board will have the right to ask,
9 but at the outset, I want to complete the picture
10 that's been put before you, only in part by this
11 party's evidence.

12 MS. SWENARCHUK: Without prolonging this
13 argument, Madam Chair, I just must say briefly that, of
14 course, we are aware, and Mr. Smith constantly in his
15 direct examination bought your attention to, criticisms
16 that have been made of the U.S. Forest Service.

17 We have not suggested that there is any
18 panacea here, and we provided for you as well the
19 Conservation Foundation critique in full, as well.

20 MADAM CHAIR: Certainly, the Board
21 doesn't agree with the evidence that Mr. Smith's
22 evidence has painted a rosy picture of the U.S. forest
23 system, and we think an examination of some of these
24 issues in this document will be helpful.

25 MR. COSMAN: Thank you.

1 Q. I don't know if I read the conclusion
2 on page 10 with respect to the annual report. If I can
3 take you to that and you will have what the authors
4 have said with the annual report.

5 "The Annual Report is a weak final
6 link in the series of documents required
7 by RPA, and does a poor job of making RPA
8 planning an integrated strategic process.
9 The 1989 Annual Report is devoted
10 substantially to the National Forest
11 System, and fails to provide a
12 comprehensive evaluation of our renewable
13 resources. Data in the 1989 Report
14 poorly evaluate resource quantities,
15 qualities, and outputs, and many of the
16 data are inconsistent with measures used
17 in the Assessment, Draft Program or
18 previous Annual Reports. The
19 requirements under RPA for this document
20 are generally inadequately met or
21 ignored."

22 Now, dealing with that, and in specific
23 there is a comment on the top of the next column, Madam
24 Chair, and it has a specific reference to the findings
25 and conclusions of the authors, and I am going to ask

1 whether you agree with it, or if you have done a study
2 and are in a position to disagree with it, or not.

3 "Much of the information in the RPA
4 document..."

5 Same page, page 10, second paragraph:

6 "Much of the information in the RPA
7 documents is incomplete or of poor
8 quality. The resource inventories in the
9 Assessments scarcely provide sufficient
10 data on the quantity, quality, and
11 outputs of each resource to analyze
12 opportunities for improving resource
13 management, and some of the information
14 is based on surrogate measures or
15 on professional judgments."

16 Now, are you in a position to comment on
17 the deficiencies in resource inventories that are
18 described here?

19 A. I don't think I can quantify that. I
20 would agree that it is incomplete. The Forest Service
21 never represented it as being complete. Particularly
22 in the earlier assessments, we did have the advantage
23 of data and information coming up from a forest
24 planning cycle.

25 I believe the Forest Service always

1 projected for the Congress and others that the
2 assessment would be greatly improved after the first
3 cycle of planning, when the data and information were
4 collected consistent with the requirements of the RPA.

5 In my view, the Forest Service do a
6 pretty good job on a pretty vast resource, pulling it
7 together in a reasonable fashion and good enough for
8 Congress to continue to budget the Forest Service, make
9 decisions about natural resources in the United States
10 and to provide a basis from which forest planning could
11 derive.

12 So, you know, these are all true. These
13 are all part of the context in which we are proceeding
14 with forest planning, but that doesn't make it wrong,
15 nor does it make it unrealistic. There is great room
16 for improvement.

17 MADAM CHAIR: Excuse me, Mr. Smith.
18 Reference to various RPA documents is confusing for me.
19 Have we seen an annual report of the RPA?

20 THE WITNESS: I don't believe you have.
21 I don't believe that was an exhibit.

22 MADAM CHAIR: When we are looking at the
23 forest plan for the Willamette Forest, how is that
24 described as being an RPA document?

25 THE WITNESS: The Willamette plan is the

1 forest plan that is called for in NFMA planning
2 sequence.

3 MADAM CHAIR: Right. Where does it fit
4 into the documentation for RPA?

5 THE WITNESS: In the documentation?

6 MADAM CHAIR: Or required. Yes, when
7 they are talking about various inventories and annual
8 reports for the RPA.

9 THE WITNESS: All right. The RPA calls
10 for a national level assessment and program, okay? So
11 that's the top of the line. That is the strategic plan
12 for the Forest Service and sort of an assessment, a
13 supply-demand situation nation-wide, irrespective of
14 jurisdiction.

15 Out of that, the Forest Service develops
16 a strategic plan for the Forest Service which deals
17 with Forest Service research, Forest Service state and
18 private forestry, kind of the technical assistance
19 part, and the programs for the national forest system.

20 That then is more or less brought to the
21 ground through these forest plans. The regional guide
22 directs how the forest plans will be developed and so
23 forth, then the implementation of these forest plans.

24 Again, you have to remember that the
25 Forest Service was still managing the national forest

1 while these plans were being developed. So during the
2 initial period here, the annual report reflected what
3 was being done probably under old plans, which is not
4 bad at all. I mean, it was just kind of a continuation
5 of the past.

6 MADAM CHAIR: Excuse me. Is the annual
7 plan just for the forest component of the RPA program?

8 THE WITNESS: That I need to double
9 check. I see that's what's claimed here, is that the
10 annual report of the chief back to the Congress. It is
11 sort of letting the Congress know how we are doing
12 against the RPA plan. They imply that is all sectors
13 of the natural resource forestry economy. I guess I
14 was under the impression that it was the Forest Service
15 program. Now, I can double check that.

16 I think it would be very difficult for
17 the Forest Service to prepare a very comprehensive
18 report on the nation in that respect. The Forest
19 Service admittedly has provided annual reports that
20 deal with the performance of the Forest Service.

21 MADAM CHAIR: Thank you.

22 Mr. Cosman, we don't mean to interrupt
23 your cross, but the documentation is confusing and we
24 are going to stop and say what part of this --

25 MR. COSMAN: Any time you want to ask a

1 question...

2 MADAM CHAIR: Thank you.

3 MR. COSMAN: Q. What we are talking
4 about here, just to be clear. If you look right behind
5 you -- I don't know if it has been made an exhibit - at
6 the display page, Mr. Smith, you have RPA plan,
7 national.

8 So we are really talking about, in terms
9 of this analysis, is of the strategic documents,
10 documents at the national level; are we not?

11 A. Well, I presume that's the case. I
12 haven't read this document.

13 Q. That's what the RPA assessment
14 program and annual reports are; are they not?

15 A. That's right.

16 Q. Okay. With respect to the -- you
17 made the point that there is always room for better
18 data, and of course, that's something we've heard a
19 great deal of in this hearing, but where it says in
20 that paragraph that I just read, the resource inventory
21 and assessment scarcely provide sufficient data on
22 various matters. That would be a serious difficulty in
23 terms of making strategic decisions on a national
24 level, wouldn't it?

25 A. I think that still has to be taken in

1 the context. The nation was running along on
2 considerably less than what they got of the assessment;
3 making strategic decisions, Congress was making them,
4 the administration was making them. So I guess you
5 would have to ask yourself, compared to what?

6 As compared to the ideal, a hundred per
7 cent, it's barely adequate, I would suppose, but
8 compared to what we had, it's, you know, light years
9 ahead.

10 Q. But compared to what is required to
11 effectively set strategic direction, isn't that what
12 the focus of this study is?

13 A. Well, what is required is the
14 judgment of the authors.

15 Q. Exactly.

16 A. The people that are dealing with this
17 and, you know, academics and others tends to have
18 higher requirements for decisions relating to everyday
19 matters.

20 While all this is happening, we are
21 cutting timber on the national forest and have been for
22 80 years. So I think you have to take it in the
23 context of what the real world is.

24 MR. MARTEL: Is it a fact that, when
25 people are writing documents and they are looking for a

1 bigger chunk of the pie, that one tends to be much
2 tougher in order to get the tools and the money for
3 which they are looking for?

4 I mean, that's in all documents that are
5 prepared. I mean, that is a natural thing that can
6 occur. I just want to throw that out.

7 MR. COSMAN: I think I would agree with
8 you, Mr. Martel, that it does occur, but you should
9 remember this is not an eternal document by the Forest
10 Service in attempting to get a bigger chunk of the pie.

11 MR. MARTEL: I didn't say that. I look
12 at the people who are involved and if they are looking
13 for -- and I haven't read the document. I am just
14 saying as a rule, if you are trying to make a case to
15 get better funding, to get more authority, to move in
16 certain directions, it has been my experience, at
17 least, that people come on a little stronger than might
18 necessarily be the case.

19 That's all I'm asking my friend who, of
20 course, has been in the government service for years
21 and would know all about it.

22 MR. COSMAN: Q. If I can take you to
23 page 10, in the bottom paragraph in the second column,
24 and the second sentence:

25 "RPA Programs have not performed well in

1 identifying public concerns over
2 impending threats for sustained resource
3 management; for example, the 1980 Program
4 failed to discuss herbicides' use, while
5 the 1985 Program omitted information
6 and discussion on below-cost timber
7 sales, and the importance of biological
8 diversity."

9 Are those valid criticisms or are you in
10 a position to say?

11 A. I can't speak authoritatively to
12 that, but I suspect that is true. Things emerge in the
13 process of developing a plan or an assessment that, you
14 know, because of the timing don't get into it.

15 It reminds me a little bit of Ed Sullivan
16 show, where the guy had all the sticks up there with
17 plates twisting on them and running back and forth, and
18 the Forest Service resembled that, as these public
19 issues emerged, in trying to deal with them while still
20 meeting a time frame for the assessment.

21 So, you know, I think that probably did
22 occur.

23 Q. Page 11, first paragraph.

24 "Lack of direction from the RPA documents
25 has resulted in an ineffective strategic

1 planning process."

2 The strategic planning process is the
3 very purpose of the RPA documentation; is it not?

4 A. Yes.

5 Q. And the final paragraph on page 11,
6 the second column:

7 "The Statements of Policy, intended to
8 show Administration support for the
9 recommended Program, have been overly
10 general. Congress has not followed
11 through with its commitment to the
12 process by rejecting unacceptable
13 documents, by conducting oversight
14 hearings and making recommendations, or
15 by appropriating consistent amounts.
16 Finally, the Annual Report has failed to
17 evaluate the implementation of the
18 Program, as required by RPA, and thus has
19 not evaluated successes and failures that
20 could lead to improved resource planning
21 in future programs."

22 Now, Mr. Smith, one could always say that
23 having something is better than having nothing, what
24 you said earlier, and one can always say that something
25 can be improved, but are you suggesting that these

1 criticisms of the RPA strategic planning process are
2 invalid?

3 A. I think what's happening here is when
4 the Forest Service submitted this, there were people
5 who didn't like what they got. The Forest Service
6 submits an annual budget and the president's program
7 that accompanies the RPA, and there is a lot of
8 political factoring that goes into that.

9 I can give you an example. The Forest
10 Service came up with specific levels of investment for
11 various programs on the national forest and research,
12 and state and private forestry, for that matter. The
13 administration did not want to submit to Congress
14 specific program levels. It didn't want to lock itself
15 in to specific levels, in relationship to the entire
16 federal budget. Therefore, it submitted -- it required
17 the Forest service to submit ranges.

18 Those ranges of levels, from low to high,
19 infuriated some members of Congress. They really
20 wanted the administration to come out with a position,
21 and I think, as much as anything, that tended to
22 antagonize and dissatisfy at least certain members of
23 the Congress.

24 There are other features to that that
25 were politically-driven for whatever strategy, and I'm

1 not defending or endorsing those. It is a fact, that's
2 what happened, that when the President submitted his
3 program, that's the way he did it. The Forest Service
4 is a part of executive branch and the President is the
5 boss.

6 Q. I would like to turn to some of the
7 specific criticisms of the Forest Service planning
8 system. In that regard, I want to complete the context
9 and turn to the Conservation Foundation critique, which
10 you have mentioned in your testimony. But I am not
11 going to refer to the draft which Ms. Swenarchuk filed
12 as document No. 2 in the source documents.

13 You are aware that the final critique
14 consisted of 11 documents?

15 A. Yes.

16 MR. COSMAN: Those 11 documents have not
17 been put before you, Madam Chair, and I am doing to be
18 dealing with certain aspects of the final critique with
19 respect to various things from the public's role in
20 decisionmaking to the role of forest supervision -- the
21 role of the forest supervisor to criteria to judge
22 planning which are contained in the final critique of
23 the Foundation.

24 I want to put before you not all 11
25 documents, but I am going to put before you certain of

1 them. First of all, document -- Volume 2.

2 MADAM CHAIR: Do you want separate
3 exhibit numbers for these, Mr. Cosman?

4 MR. COSMAN: Yes, please.

5 MADAM CHAIR: This will be Exhibit 1772.
6 It is a 91-page document entitled National Forest
7 Planning: Searching For Common Vision, which is Volume
8 2 of the Conservation Foundation's critique.

9 MR. COSMAN: It is dated June, 1990,
10 Madam Chair.

11 ---EXHIBIT NO. 1772: Document entitled National Forest
12 Planning: Searching For Common
13 Vision, Volume 2 of the
 Conservation Foundation's
 critique, consisting of 91 pages.

14 MR. COSMAN: Q. In this particular
15 document, I would ask you to turn to page 1. And I am
16 going to refer to the -- first of all, I will read the
17 particular paragraph that I am going to be referring
18 to. In the first paragraph, A Decade of Forest
19 Planning: What Have We Learned.

20 "The journey from enactment of the
21 National Forest Management Act (NFMA)
22 to implementation of forest land and
23 resource management plans has been long
24 and arduous. After 10 years of
25 experimentation, redirection, and

1 controversy, most of forest plans are
2 largely complete and being implemented.
3 Tens of thousands of people have devoted
4 time, energy and ideas to national forest
5 planning. Yet, the public and even the
6 Forest Service staff voice doubts about
7 the process, and question how issues
8 rooted in the plans are to be resolved.
9 Undeniably, there has been progress:
10 Forest Service functional planning is
11 crumbling; there is greater attention to
12 integrated resource management; we know
13 much more about the forests themselves;
14 and the public is playing a stronger role
15 in decisionmaking. In spite of this,
16 dissatisfaction is widespread. From what
17 we have heard in workshops around the
18 country, we have concluded that -
19 -People do not understand forest
20 planning.
21 -People are displeased with the results
22 of forest planning.
23 -People question the Forest Service's
24 dedication to stewardship of the public's
25 lands.

1 -Failures in the planning process
2 continue to damage the agency's
3 credibility."

4 Again, Mr. Smith, this is pretty
5 straightforward, but I take it you would agree with
6 those comments?

7 A. I would agree with those in the
8 context of the earlier statements that Forest Service
9 functional planning is crumbling, there is greater
10 attention to resource manager, we know much more about
11 the forest themselves and the public is playing a
12 stronger role in decisionmaking. To me that says it
13 all --

14 Q. Sorry.

15 A. I think you might say that we have
16 not arrived yet and I have never said that, nor has FFT
17 said that.

18 There is still a lot of room for
19 improvement, but to me that is the most revealing
20 declaration; we are on the right trend. Had we
21 continued on the previous trend, we were going to end
22 up where we were headed and that was the wrong place to
23 be.

24 Q. You stated the positive comments and
25 I read the whole paragraph in context and you said you

1 agree with those, but do you also agree that:

2 "People do not understand forest
3 planning, people are displeased with the
4 results of forest planning, people
5 question the Forest Service's dedication
6 to stewardship of the public's land and
7 failures in the planning process continue
8 to damage the agency's credibility"?

9 Those are the findings of the
10 Conservation Foundation. Do you agree with those as
11 well? You just stated -- the positive points you
12 agreed with?

13 A. Yes, and I would agree with those,
14 but they are not absolutes. I would preface each of
15 those bullets that there are people who do not
16 understand forest planning, there are failures, et
17 cetera, and certainly there are.

18 Those are not absolutes. You could talk
19 to many people and they would say, I do understand and
20 I think the planning has resulted in improvement of
21 setting purpose and direction for the national forest.

22 So all of these things are true, they are
23 not absolutes.

24 Q. All right. And neither are the
25 positive comments absolutes?

1 A. That's true.

2 Q. All right. With respect to the
3 bottom paragraph, there is a paragraph that sets the
4 context of what this study was. I will just draw it to
5 your attention. I don't think I will read it, but it
6 is the paragraph that starts:

7 "In early 1989, the Forest Service
8 initiated a year-long critique of forest
9 planning under NFMA."

10 This is the Foundation's critique. That
11 paragraph and the top paragraph on page 2 gives you the
12 context of the Foundation study, but I would now ask
13 you to turn to page 17.

14 MR. MARTEL: Mr. Cosman, if we are not
15 careful, before long we are going to reach the 10-year
16 plateau here. I worry about it.

17 MR. COSMAN: If it is only ten years,
18 given the context we see here, we will be doing well.

19 THE WITNESS: Madam Chairman, could I
20 clarify one other thing about the positive part of
21 this.

22 The negatives are not stated in
23 absolutes, and I don't think they are. The positives
24 are not stated in absolutes, so I will retract my
25 statement about the positive parts. I think the

1 positive parts are true, period.

2 MS. SWENARCHUK: Just for the record,
3 Madam Chair, I just want to bring to your attention
4 that these segments that Mr. Cosman is providing here
5 in examination now are also provided word for word in
6 the version that exists in the source book.

7 MR. COSMAN: I can tell you, Madam Chair,
8 I prepared it, some of it is the same and some of it is
9 different. I am bringing to you attention the final
10 critique and I will point to some of those differences.

11 MADAM CHAIR: Thank you.

12 Mr. Smith, could you tell the Board, was
13 the Forest Service required by the National Forest
14 Management Act to have a critique of its performance at
15 a certain time?

16 THE WITNESS: Not to my knowledge.

17 MADAM CHAIR: And so this was under the
18 initiative of the Forest Service to ask the
19 Conservation Foundation to take a look at --

20 THE WITNESS: This was done as a Forest
21 Service contract to Conservation Foundation, yes. As
22 far as I know, at its own initiative.

23 MADAM CHAIR: There is no requirement in
24 the planning process for an outside body to do this?

25 THE WITNESS: Not to my knowledge,

1 although it could be implied that if the public is to
2 be involved that this would be a natural consequence,
3 is to allow the public to critique the process itself,
4 not just participate in the process.

5 MADAM CHAIR: What was there about the
6 Conservation Foundation that made it the body to be
7 selected to do a critique?

8 THE WITNESS: The Conservation Foundation
9 in the United States has reputation of being a
10 non-biased, reputable, objective scientific body.

11 I don't know of a Canadian equivalent,
12 I'm sorry, but they do this kind of work and are
13 generally felt to be reputable and quite well
14 respected. Purdue University was an associate in this,
15 and I consider them to be an objective body as well.

16 MR. FREIDIN: Madam Chair and Mr. Cosman,
17 I apologize for interrupting, but I think it might be
18 useful to just clarify that there are 11 volumes, that
19 the 11 volumes are not all authored by the Conservation
20 Foundation and Purdue University, although the
21 documents, I think, indicate that they are authored by
22 a number of different agencies.

23 Volume No. 2, the draft of which is in
24 the Forests for Tomorrow material, was indeed authored
25 by the Conservation Foundation and Purdue University.

1 Some of the documents were authored by
2 people of the Forest Service alone. Volume 6, which I
3 will be referring to, was in fact prepared by a
4 professor Teagarden from the University of California.

5 So I think you are right that the Forest
6 Service did initiate this management critique, the
7 Conservation Foundation was indeed involved deeply, but
8 they did not author the entire report.

9 I am just wondering whether the witness
10 can confirm that, so as we proceed the Board has the
11 right mindset in what the document is.

12 MADAM CHAIR: Is that correct, Mr. Smith?

13 THE WITNESS: I have no reason to dispute
14 that. It is my understanding that the overall
15 contract, however, did go to the Conservation
16 Foundation, and I would imagine that they did a lot of
17 subcontracting, if you will.

18 MADAM CHAIR: But they are considered the
19 author or the main organization that is attributed with
20 this critique?

21 THE WITNESS: That's my understanding.

22 MR. COSMAN: Madam Chair, just for your
23 assistance. With respect to each volume, the specific
24 individuals and organizations that participated in the
25 critique are identified at the outset of the document

1 that I filed.

2 MADAM CHAIR: Thank you, Mr. Cosman

3 MR. COSMAN: You will see just with
4 respect to this Volume, 2, this was prepared jointly.
5 And you will see on the cover page, William E. Shands,
6 of the Conservation Foundation, another individual from
7 the Conservation Foundation and Purdue University, and
8 you will see that various parties involved are also
9 listed and you will see there is a quite an extent and
10 variety of individuals.

11 Q. If I could take you now to The
12 Public's Role in Decisionmaking, page 17.

13 This Board is looking, Mr. Smith, to find
14 a model for public participation in Ontario in the
15 planning process, and I would like to turn to some of
16 the critique comments with respect to the U.S. -- or
17 rather to the Forest Service public role in
18 decisionmaking. The findings are set out at the bottom
19 of page 17.

20 "Our findings are as follows:

21 -The commonly applied model of public
22 participation is too rigid and
23 formalistic.

24 -The goals should be open decisionmaking,
25 in which different interests work

1 together and with the Forest Service to
2 resolve problems.

3 -The planning process should open
4 free-flowing channels of communication
5 among interests themselves, as well as
6 between interests and the Forest
7 Service."

8 I underline that, and:

9 "-All parties have a role in developing
10 the forest plan, but only the Forest
11 Service has the authority - and the
12 responsibility - to make the final
13 decisions."

14 In terms of general comment on the top of
15 the next page, I want to deal with that paragraph and
16 then get your comments. Page 18:

17 "Hardly anyone is satisfied by the
18 current model of public participation.
19 At the workshops, participants typically
20 described a process in which the Forest
21 Service called a public hearing to
22 solicit views on issues the plan was to
23 address, forcing interest groups into
24 hard positions at the outset. The
25 planners then retreated to their offices,

1 emerging sometime later with a draft,
2 followed by another public hearing - and
3 increased polarization. In due course,
4 a final plan was released and greeted
5 with a barrage of appeals. It was then
6 that the Forest Service called appellants
7 to say, in effect, 'Let's get together
8 and negotiate.' Although an
9 oversimplification, this sequence of
10 events is close enough to what actually
11 happens to raise the questions about how
12 the public could be more effectively
13 brought into the decisionmaking process."
14 We are going to talk about how the

15 Conservation Foundation and Purdue University suggest
16 that here, but do you agree with the authors'
17 conclusions about the general public's dissatisfaction
18 with the current model of public participation prior to
19 this 1990 report?

20 A. I would not characterize this as the
21 current model as of, you know, the 28th of March, 1991,
22 but as it was implemented at the onset of planning, I
23 think this is a fairly accurate observation. In fact,
24 in my witness statement, I said so, that I agree
25 basically with the Conservation Foundation's

1 conclusions.

2 I do not think that that exists today,
3 nor do I think the Forest Service considers that the
4 model. It was a great learning process, one which I
5 think is worth sharing in Ontario that, you know, there
6 is better ways of doing it. So with that said, I
7 agree.

8 As far as hardly anyone is satisfied, I
9 do not agree with that.

10 Q. I know you are not.

11 A. I'm not satisfied with the current
12 model, but I think a lot of people are satisfied. It
13 was quite a lot better than it was, and it has sort of
14 evolved into a process that they are quite pleased
15 with, particularly the consensus-building model that
16 most forests that were towards the tail end of this
17 thing were using, including the Willamette Forest.

18 Q. We are not talking here -- the
19 Conservation Foundation when they say that hardly
20 anyone is satisfied with the current model of public
21 participation, in this February 1991 document, they are
22 not talking about pre-1980 models, are they?

23 They are talking about the current model
24 of public participation?

25 A. They are talking about performance in

1 the 80's.

2 Q. So throughout the 80's?

3 A. I would say, you know, throughout the
4 planning process.

5 Q. All right.

6 A. We're talking about 1991. In fact,
7 you know, the Forest Service already is engaged in
8 formal modification of the public involvement process
9 based on these very same findings. That's why we asked
10 for this critique.

11 Q. So what you are saying, as I
12 understand it, that the findings with respect to the
13 public participation model that was used throughout the
14 80's is accurate, but the Forest Service upon receiving
15 this report some time after June of 1990 is taking
16 action to modify their system to improve public
17 participation?

18 A. I think it's safe to say that it was
19 occurring before this. I believe this will provide
20 great impetus to, you know, formalizing that, making it
21 consistent around the country.

22 As you look back in public involvement
23 back to the 60's and 70's, it has been an evolution.
24 Public participation has become more meaningful and,
25 hopefully, facilitated by Forest Service actions that

1 are causing less polarization. I think the situation
2 is better than it was. It's not easy because the
3 stakes are very, very high in this whole process.

4 MR. MARTEL: Mr. Smith, I had some
5 difficulty yesterday and I am still having some
6 difficulty, because it is not in any way formalized.

7 I think you said in some places they have
8 committees, informal committees, somebody else does it
9 some way else; people in the Forest Service don't
10 believe that anyone from the public should be on the
11 planning team.

12 Can you tell me precisely, then, if
13 that's still all there, how you are going to involve
14 the public in all plans in a similar fashion?

15 I mean, you might have a very modern,
16 progressive individual at the head in one area, but you
17 could have someone who is almost draconian somewhere
18 else in the old school. And unless there is something
19 formalized -- well, you know, you might have a
20 committee one day, and you might have two or three
21 informal committees, how are you going to get it that
22 everyone is assured that they have the same
23 opportunities right across wherever the Forest Service
24 is in operation?

25 THE WITNESS: I think you have described

1 it fairly well. As a matter of fact, you can point to
2 the two kind of extremes.

3 Some forest supervisors do a particularly
4 good job. They caught the spirit and they really are
5 committed and they read this direction as being literal
6 and they've done some imaginative things. Probably so
7 imaginative that you couldn't have predicted what it
8 would be to prescribe it in terms of a consistent
9 national approach. And therein lies the Forest Service
10 ingenuity, in some respects, with some costs involved
11 and that is, the Forest Service generally approaches
12 those things in what I would call the 'muddling
13 through' process, allowing the field to take a general
14 objective or purpose or goal and begin to do it and
15 formulate a procedure. Kind of a bottom-up, giving
16 some, you know, direction.

17 I think you will find that after this
18 generation of planning that the public involvement
19 structure and standard issued nationally will be quite
20 a lot more, always leaving quite a bit of room for
21 flexibility and allowing people to probably fail in
22 some places and do exceptional work in others.

23 MR. MARTEL: But is it going to become
24 more -- I mean, I still worry that if you don't
25 formalize it, somehow then the opportunities aren't the

1 same for everyone.

2 I am not saying there shouldn't be
3 flexibility. We learned through here that there is
4 nothing in forestry that is absolute in any given area
5 at any given time, but there has got to be some way
6 where the structure of, at least, of the -- not the
7 decisionmaking, but the structure of how you formalize
8 it so people can participate is consistent.

9 THE WITNESS: I certainly agree with that
10 and I think the Forest Service does, too.

11 Striking that balance and learning what
12 those procedures and structure -- what that structure
13 should be is not easy to accomplish just by sitting
14 down and saying: This is the way we are going to do
15 it. There are costs involved because there are some
16 failures going to show up. Perhaps the Forest Service
17 should have moved further towards being directive and
18 could have avoided possibly some of this.

19 My fear is that the Forest Service might
20 have continued on the usual course and it might have
21 ended up even worse than it is; that is, the Forest
22 Service sitting down and doing a job and taking the
23 public, getting their advice and going back in the dark
24 room and reworking it, coming back out, you know, kind
25 of probing that way, where a better way is to really

1 sit out down with the public at every step and make
2 them a part of it.

3 The Forest Service didn't have a lot of
4 experience doing that. We knew what was best. I mean,
5 we were foresters, after all, and that's where we got
6 into quite a bit of trouble as evidenced right here.

7 MR. COSMAN: Q. The last paragraph under
8 The Current Model of Public Participation is
9 Inadequate -- sorry.

10 On the same page, under the heading The
11 Current Model of Public Participation is Inadequate,
12 the last paragraph:

13 "Moreover, there is a widespread
14 perception that Forest Service officials
15 do not welcome proactive participation -
16 such as meetings organized by interest
17 groups themselves - but prefer to accept
18 information only on their own terms and
19 in forums organized by the Forest
20 Service. Cynics suspect that some agency
21 officials look at public involvement
22 processes simply as a way of keeping the
23 agency out of court."

24 Now, I bet my bottom dollar you wouldn't
25 consider yourself to be a cynic.

1 A. I think some of that -- all that
2 occurs.

3 Q. I just lost my bottom dollar. All
4 right. So you agree --

5 A. I don't agree. I think that is a
6 description of where a lot of our people have come from
7 in the past.

8 Q. You would agree that it occurs?

9 A. And it hurts. You know, we have
10 admitted that. That's not the way to run the people's
11 national forests. Folks do have a role and it's in
12 setting those basic purposes.

13 We have a lot of folks still don't agree
14 with that, I'm sure, but there are an awful lot of
15 folks that do. And, in fact, there are forest
16 supervisors who encourage the formation of ad hoc
17 citizen committees.

18 This forest supervisor did that and he
19 called it the fruitful discussions, where he became an
20 equal member with other citizens and they thrashed out
21 issues, and that sort of thing is going on everywhere.

22 There are facilitated meetings, where a
23 professional facilitator is engaged and the Forest
24 Service and others sit down around the table and they
25 thrash it out. There are other places, you know, the

1 forest supervisor is drug screaming and kicking every
2 inch of the way, and they're having troubles.

3 Q. So when the authors, the Conservation
4 Foundation and Purdue, come to the conclusion that
5 hardly anyone is satisfied by the current model of
6 public participation, you are saying that there are
7 exceptions to that?

8 A. I think there are enormous exceptions
9 and particularly on the time line they are occurring
10 more frequently. That's not to say everybody is happy
11 with what happens, because some people want all
12 wilderness, other people want to cut it all.

13 So you never satisfy those people, but we
14 are finding a larger and larger common ground that
15 people have -- can develop consensus about.

16 MADAM CHAIR: Excuse me. Mr. Smith,
17 yesterday you referred to something that happened in
18 the U.S. with respect to committees, some old committee
19 system that had been disbanded--

20 THE WITNESS: Yes.

21 MADAM CHAIR: --and that had an influence
22 on the thinking of the Forest Service about using
23 committees. What was that again?

24 THE WITNESS: That's true. The advisory
25 council or Advisory Committee Act, as I recall, passed

1 I believe during the Carter presidential
2 administration, in effect, just wiped out all the
3 committees.

4 MADAM CHAIR: Were those public
5 committees, citizen committees?

6 THE WITNESS: Those were public
7 committees. For example, every national forest had
8 what was called a Multiple Use Advisory Committee and
9 the chief of the Forest Service had a Multiple Use
10 Advisory Committee and some of the resource programs
11 had advisory committees.

12 That act, in effect, literally wiped them
13 out, because each one of these committees had to be
14 rechartered and run through the political process per
15 the Washington level. And it was such a disincentive
16 to do that that, you know, the Forest Service elected
17 not to do it. And I think that was a damaging
18 decision; it was a political decision.

19 There was some rationale behind that
20 because the thought was that these advisory committees
21 had become captured by the Forest Service and became
22 rubber stamps for whatever the Forest Service wanted to
23 do. And they wanted to get rid of that, wipe the slate
24 clean and force the Forest Service to deal with the
25 public in other ways. I think it was like throwing the

1 baby out with the bath water. What we needed to do was
2 to retain that as one of the tools of public
3 participation, but add to it all these other methods.

4 Consequently, forest supervisors, you
5 know, sort of boot-legged advisory councils, allowing
6 citizens to develop their own, apart from any authority
7 that the Forest Service might have.

8 MADAM CHAIR: Thank you.

9 MR. COSMAN: Madam Chair, would this be a
10 good time to break?

11 MADAM CHAIR: It would, Mr. Cosman.

12 Is it a problem for you if the Board has
13 a half hour break this morning?

14 MR. COSMAN: Not at all.

15 MADAM CHAIR: Thank you.

16 ---Recess at 10:30 a.m.

17 ---On resuming at 11:00 a.m.

18 MADAM CHAIR: Please be seated.

19 MS. SWENARCHUK: Excuse me, Madam Chair,
20 five minutes.

21 THE WITNESS: I apologize for being late.

22 MADAM CHAIR: That's fine, Mr. Smith.

23 MR. COSMAN: Q. Now, Mr. Smith, we have
24 just dealt with that part of the Conservation
25 Foundation critique describing the current model that

1 public participation is inadequate.

2 I now want to turn to the bottom of page
3 18 and to some positive recommendations.

4 I will be referring to pages 18 and 19,
5 Madam Chair.

6 First of all, have you read the various
7 models recommended by the parties for public
8 participation at this hearing?

9 A. I've had the opportunity to review
10 Forests for Tomorrow's terms and conditions which
11 include some elements in public involvement.

12 Q. Are you familiar with the proposals
13 of the Industry Association and other parties in that
14 regard in terms of public participation?

15 A. I have some general information
16 concerning that in my witness statement, responded to
17 what I did see.

18 Q. Okay. So I would like to turn to the
19 bottom of page 18. The Board does know what those
20 various models are from the terms and conditions filed.

21 The recommendation starting at the bottom
22 of 18 over to page 19.

23 "Recognizing that only the agency has the
24 authority to make final decisions, the
25 public should be involved in all phases

1 of the decisionmaking process (broadly
2 defined). We call this open
3 decisionmaking, in which interested
4 individuals and groups work continuously
5 with the Forest Service to identify
6 issues, explore alternatives, exchange
7 information, and seek consensus."

8 I take it from your comments that you
9 would agree that this is the right approach?

10 A. Yes.

11 Q. In terms of those specific -- in
12 terms of the specific recommendations that are made on
13 the basis of the study of the U.S. participatory model,
14 the authors go on to say on page 19:

15 "An open decisionmaking process should -

16 -Encourage the sharing of information.

17 The process should be designed to
18 encourage and facilitate an exchange of
19 information among all parties. According
20 to what we heard at the workshops, it
21 seems that in only a handful of
22 forests was there any recognition of
23 the benefits of getting the major
24 stakeholders to get together early in the
25 process to develop continuing

1 communication channels that seek
2 consensus and build ownership in the
3 plan."

4 Given the recognition of that problem in
5 the U.S. system, would you agree with a proposal made
6 by a party before this Board that provides that the
7 major stakeholders should be brought together early in
8 the process to develop continuing communication
9 channels that seek consensus and build ownership in the
10 plan?

11 A. I agree with that principle. I'm not
12 sure I know what proposal you're talking about.

13 Q. All right. You agree with the
14 principle?

15 A. I agree with the principle.

16 Q. Fine. Secondly:

17 "Encourage a frank exchange of views
18 among all interests and the Forest
19 Service, especially before positions on
20 issues harden. Typically, forest
21 interest groups were not brought to the
22 table for serious talks until late in the
23 decisionmaking process - usually after
24 the Forest Service had made most of
25 the major decisions. By that time, of

1 course, interest groups were well
2 entrenched in their positions."
3 You would agree that the parties
4 involved, the stakeholders involved for any particular
5 forest should be consulted earlier and before decisions
6 are made by the regulatory body?

7 A. I agree with that principle without
8 endorsing this finding totally.

9 Q. All right.
10 "Help identify opportunities for
11 collaborative problem solving. The
12 Forest Service, we were told, was more
13 interested in decisionmaking than problem
14 solving: 'Tell us what you want and we
15 will make the decision' rather than
16 'Let's identify the problem and then work
17 together to solve it.'"

18 You agree with this principle, that on an
19 open decisionmaking process would help identify
20 opportunities for collaborative problem solving?

21 A. I agree with that principle.

22 Q. And that would be collaborative as
23 among the various stakeholders and with the Forest
24 Service or regulatory body?

25 A. Yes.

1 Q. "Make clear how a decision was
2 reached. The Forest Service should make
3 clear to the public not only the decision
4 reached, but the rationale for the
5 decision. We were told that the main
6 reason people do not trust the planning
7 process or the outcome is that the
8 decisions did not seem to reflect
9 information presented in the planning
10 documents. The rationale for the
11 decision should follow clearly and
12 logically from the information and data
13 presented."

14 So in any model this Board adopts, you
15 would agree that the rationale for decisions should be
16 clearly specified in the planning documents?

17 A. I agree with that principle.

18 Q. I will read the final statements they
19 make and ask if you agree.

20 "In sum, forest users should be involved
21 continuously, contributing information,
22 opinions, and ideas to receptive Forest
23 personnel. The dialogue should be
24 continuous", and not just when the
25 planning take places.

1 Do you agree with that, there should be
2 ongoing dialogue, or is it only dialogue when you get
3 together when you have to prepare a plan?

4 A. I think the implementation of the
5 plan, you know, and the monitoring of the plan and the
6 subsequent amendments and revisions would be included
7 there.

8 Q. If you turn to page 23, the specific
9 recommendations are set out with respect to public
10 participation and perhaps we can just take a moment to
11 read them starting at the bottom of page 23 over to 24.

12 Notwithstanding the law that came into
13 effect in the Congress of the United States that
14 prohibited members of the public other than public
15 staff -- other than government staff from being members
16 of advisory committee, you would support a principle
17 that members of the public would and should be members
18 of advisory committees in forest planning?

19 A. I don't agree with the preliminary
20 statements.

21 Q. All right.

22 A. The spirit of it I do and I do agree
23 with that principle.

24 Q. I now ask you to turn to page 39
25 which deals with the role of forest supervisor in the

1 U.S. You will see at the top of page 39:

2 The National Forest Management Act
3 regulation spell out the responsibilities
4 of the forest supervisor in planning."

5 Just for your information, our statute
6 spells out the role of plan author. In any event, this
7 is a reference to the role of the forest supervisor.

8 "The supervisor 'has overall
9 responsibility for the preparation and
10 implementation of the forest plan and
11 preparation of the environmental impact
12 statement for the forest plan.' The
13 supervisor also appoints the
14 interdisciplinary team.

15 "While the supervisor's responsibilities
16 are clear, just how much direct
17 involvement is technically required is a
18 matter of individual interpretation.
19 We were told that some supervisors chose
20 to distance themselves from timber
21 planning; they turned development of the
22 forest plan over to the forest planning
23 officer and then simply checked from time
24 to time on its progress. Indeed,
25 workshop participants cited instances in

1 which the forest supervisor, at public
2 meetings, seemed unfamiliar with the
3 contents of his or her own forest plan.
4 The forest supervisor's early and
5 personal involvement in the planning
6 process is a common element in forest
7 plans that are regarded as successful and
8 effective. Direct participation in the
9 development of plan alternatives gave the
10 supervisor a good understanding of the
11 circumstances under which the plans were
12 developed. Supervisors who became
13 involved only at the decision stage often
14 did not know the background to some
15 alternatives."

16 · Would you agree that with respect to the
17 role of the government regulatory, whether it is the
18 forest supervisor or a district manager of an Ontario
19 jurisdiction, that there should be a direct and
20 personal involvement in the planning process by that
21 individual?

22 A. Without agreeing to those
23 observations, I agree that that's what should happen.

24 Q. You don't agree with these
25 observations that have been made and which are the

1 subject of the finding of the Conservation Foundation?

2 A. I have not observed in my supervisory
3 work in the Pacific southwest region that the
4 supervisor was remote from the planning process.

5 In fact, you know, every bit of my
6 evidence shows that he was. In fact, I insisted that
7 he be. When I reviewed points with him at interim
8 points the supervisor came to see me, not the planning
9 staff.

10 Q. It would appear, Mr. Smith, the
11 Conservation Foundation made or came to a conclusion on
12 the basis of what it learned in respect of other
13 regions than yours.

14 A. I don't disagree with their
15 statements; perhaps they saw that. I'm not too
16 surprised that that happened, but in my experience with
17 my forest supervisors, that's not the case. So all I'm
18 saying is that isn't the standard necessarily.

19 Q. All right. And the reason for the
20 active role of the supervisors is set out in the
21 following paragraph:

22 "When a supervisor did not seem to know
23 much about the details of the forest
24 plan, public interest and support soon
25 waned. People tended to conclude that

1 the plan was not a principal factor in
2 the supervisor's decisions, and efforts
3 to fine-tune it would not be an effective
4 use of their time. Likewise, a
5 supervisor's inattention was interpreted
6 as a modest commitment, at best, to
7 forest planning by the Forest officials
8 up the line. Not surprisingly, advocacy
9 groups soon shifted their focus to
10 political or legal processes in their
11 efforts to influence national forest
12 management."

13 I am not suggesting that the forest
14 supervisors under your supervision had the problems
15 that were identified here, but you would agree that if,
16 whatever these forest supervisors were, that was the
17 subject of the comments of the authors, the rationale
18 for a commitment by forest supervisors is specified in
19 this paragraph? You would agree with that?

20 A. I don't agree with those observations
21 as a characterization of public reaction to the forest
22 supervisors planning involvement in the principal
23 timber regions of the west.

24 I'm familiar with both the Pacific
25 northwest region, the Pacific southwest region, and I

1 agree that there was a lot of litigation and appeals
2 and other means to try to lever decisions, but those
3 were primarily directed not to the planning process,
4 but to the ongoing programs of the national forest
5 which were driven by earlier plans.

6 I personally did not observe in either
7 region, and I'm fairly intimately familiar with both
8 regions, any lessening of intensity of public
9 involvement and interest just because the forest
10 supervisor was more or less personally involved in the
11 planning process. I think that continued, and in my
12 own views, it might even have got more -- than if the
13 forest supervisor appeared to be holding it at arm's
14 length.

15 I can't speak for the rest of the
16 country, they may have discovered these situations, but
17 in the primary timber-producing portion of the west
18 coast, I don't think that's accurate.

19 Q. All right. You are not aware of the
20 evidence that was before the Foundation when they did
21 their critique; are you?

22 A. No. I'm not saying that they didn't
23 observe this, I'm saying my observation --

24 Q. In your personal experience in the
25 west, forest supervisors did not show the lack of

1 commitment that is described by the Conservation
2 Foundation here?

3 A. I think there was varying degrees of
4 commitment and personal involvement. I think our
5 forest supervisors were involved to the point where
6 they could not be described in that way; and secondly,
7 I don't think the public reacted to those varying
8 degrees as what is described here in the area I'm
9 familiar with.

10 Q. Well, firstly, you must understand
11 that without -- this is not an attempt or I don't
12 suggest that your supervision of the forest supervisors
13 in your western region was the subject of evidence, but
14 you are not saying that the Conservation Foundation has
15 had invalid evidence? You are not in a position to say
16 that; are you?

17 A. I'm not in a position to say that.

18 Q. What you are saying from your
19 personal experience is the forest supervisors were
20 committed, first of all, although to a varying degree,
21 but never to the point where this lack of commitment
22 created a problem?

23 A. That's right. I am speaking from
24 experience in an area of the national forest system
25 that really produces the majority of timber for the

1 whole national forest system.

2 Q. And what years were you the active,
3 hands-on, regional forester for the west?

4 A. 1978 through 1987.

5 Q. So you are saying that you are not
6 aware, first of all, of what evidence there was before
7 the Foundation with respect to your region?

8 A. No. I'm not even sure they were in
9 my region.

10 Q. You are not sure. You don't know one
11 way or the other?

12 A. I don't know.

13 Q. You would think that the Conservation
14 Foundation would look to one of the important
15 western -- important timber supply areas of the country
16 when it did this kind of critique; wouldn't you?

17 A. I'm not privy as to how they designed
18 this study and analysis, so I can't answer that.

19 MADAM CHAIR: Excuse me. Mr. Smith,
20 would your advice be to Ontario that the individual who
21 has overall responsibility for the plan be involved in
22 all aspects of the plan and not just come in at the
23 last minute and make the decision?

24 THE WITNESS: Absolutely. I don't
25 believe the forest supervisor or district manager

1 perhaps in Ontario can be a permanent full-time member
2 of the interdisciplinary team. That individual has
3 much too much other responsibilities, but I think it is
4 of such importance that that individual would be
5 intimately familiar and actually in a position of
6 guiding and supervising the overall team effort.

7 MADAM CHAIR: Thank you.

8 MR. COSMAN: Q. I would like to move
9 from that, from the role of the forest supervisor, to
10 the issue of establishing an information base for
11 planning, and I would ask to you turn to page 44 of the
12 study. The Conservation Foundation says the following
13 on the basis of their study:

14 "The variability and weakness of the
15 data on which planning decisions have
16 been based have led interests to question
17 the validity of those decisions. All
18 sides have accused agency officials of
19 bias in their decisionmaking and of
20 manipulating what data there are to
21 justify a predetermined course of action.
22 Lacking sufficient information, agency
23 officials have been unable to show
24 convincingly that their conclusions
25 are any more defensible than those

1 reached by various interest groups
2 performing their own analysis. While
3 recognizing that compromise will
4 ultimately be necessary, interest groups
5 are unwilling to accept an agency
6 decision that they feel was reached on
7 weak or specious grounds. This has led
8 to endless skirmishing between interest
9 groups and the Forest Service, and to
10 frustration for agency officials at the
11 seeming unreasonableness of interest
12 group leaders."

13 First of all, do you agree with these
14 findings of the Conservation Foundation?

15 A. I agree that there was a certain
16 level of discomfort both within the Forest Service and
17 among interest groups about the inventory data and
18 information.

19 My own personal view is that these
20 interest groups may have attributed decisions that they
21 didn't like to lack of data. I personally don't think
22 that's the reason.

23 I think in a situation where decisions
24 have to be made, balancing values and uses, that these
25 interest groups - and interest groups in the U.S. are

1 polarized - they are very confrontative, they are not
2 satisfied and the timber interest on one side and the
3 environmental on the other side were equally unhappy.
4 Whether they represent the majority of the U.S.
5 population, I don't know. There has been a lot of
6 debate about that.

7 Certainly they are well organized and
8 they have very intense vested interests in the outcome.
9 They would like to see their piece of pie to be as
10 great as they can possibly get it and they also
11 manipulated data. They ran for land runs and
12 interpreted them in their own way to support their own
13 position of either more wilderness or more high yield
14 forestry on those two extremes.

15 That's what happened in my view. I don't
16 think the amount of data had a whole lot to do with it.
17 I think it was their position or their -- or the fair
18 share that they wished to have that made the
19 difference.

20 Q. So in your view the deficiencies with
21 the data was not a problem?

22 A. You always want more data. There are
23 always problems; for example, the lack of
24 archaeological and cultural data on national forests is
25 a problem because you are having to backstop that with

1 site specific environmental analysis and collection,
2 but I don't think the lack of data was a fatal problem
3 in planning.

4 I think we were able to proceed with
5 integrated resource planning. I think we could have
6 done with it considerably less data. The detail and
7 the assuredness and maximization of outputs would have
8 come out in a different place, but that lack -- that
9 degree of lack of data does not inhibit the use of
10 integrated forest planning.

11 Q. Well, the Conservation Foundation in
12 its study and critique and conclusions goes further
13 than that; doesn't it?

14 It doesn't say as well -- we can all say
15 we need more data. If you read that first statement:

16 "The variability and weakness of the data
17 on which planning decisions have been
18 based have led interests to question the
19 valid of those decision."

20 The Conservation Foundation after its
21 study and after its examination made a finding that the
22 data itself was variable and weak; did it not?

23 A. I don't know if that's what they are
24 saying or not. It suggests to me that's what they are
25 saying in that sentence.

1 Q. You are not in any position to tell
2 this Board that or to question the information that was
3 before the Conservation Foundation in their analysis
4 because you don't even know what it is?

5 A. All I can give the Board is my
6 opinion.

7 Q. That's based on your experience?

8 A. Yes.

9 Q. All right. Next paragraph:
10 "The quality of the resource data and the
11 manner in which they were analyzed and
12 incorporated into the decisionmaking
13 process have had a profound impact on the
14 success and usefulness of the forest
15 plans. Both the review committee and
16 participants in the regional workshops
17 observed that even if the agency's
18 planning decisions had been accepted,
19 much of the data on which the decisions
20 were based were so inaccurate or out of
21 date that the plans probably could not be
22 Implemented. Those data comprised the
23 basic information analyzed using FORPLAN,
24 the computer-based optimization model
25 developed especially for use in national

1 forest planning. Despite the weaknesses
2 in the data and the inherent limitations
3 of a linear programming model in
4 capturing important but often
5 unquantifiable considerations, planning
6 decisions in many areas were seen to have
7 been 'blindly driven' by FORPLAN. This
8 practice not only diminished the
9 viability of the forest plans, but it had
10 important implications for the public's
11 trust and understanding of the planning
12 process - and, ultimately, for the Forest
13 Service itself."

14 Do you agree with these findings and
15 comments by the Conservation Foundation?

16 A. Again, without disagreeing with what
17 they observed and their interpretations, I'm not aware
18 of such inadequate or incorrect data that a plan cannot
19 be implemented. In fact, the fact of the matter is the
20 plans are being implemented.

21 Q. We will come to that. So you are
22 saying that you disagree where they say that:

23 "Both the review committee and
24 participants in the regional workshops
25 observed that even if the agency's

1 planning decision had been accepted, much
2 of the data on which the decisions were
3 based were so inaccurate or out of date
4 that the plans probably could not be
5 implemented."

6 That isn't your experience; is that what
7 you are saying?

8 A. I don't disagree that people may have
9 said that, but I disagree with the conclusion that
10 "much of the data on which the decisions were based
11 were so inaccurate or out of date that the plans could
12 not be implemented."

13 In my own experience and observation that
14 simply is not true.

15 Q. Has there been -- in terms of your
16 own experience, have the plans in the areas for which
17 you had responsibility as regional forester all been
18 approved and with all the appeal -- all the
19 administrative appeal process and judicial challenges
20 completed?

21 A. No.

22 Q. And after all that is done there is
23 still the step of going through environmental impact
24 statements with respect to projects such as timber
25 sales; correct?

1 A. Not necessarily. An environmental
2 impact statement would be issued if the --

3 Q. If an environmental assessment said
4 it was necessary?

5 A. That's right.

6 Q. All right. So I will put it this way
7 then. Once the plan was approved - and I realize your
8 plans were not all approved - once the administrative
9 appeals are completed, once the judicial challenges are
10 over and you have a plan that is finally accepted and
11 approved by the courts, the next step for someone who
12 wants to harvest some wood is to take that through the
13 process of an environmental assessment which, if issues
14 are raised, results in a formal environmental impact
15 statement, and then that has an administrative appeal
16 and judicial challenge route; is that correct?

17 A. That's right, but you are talking
18 about a very, very small segment of the Forest Service
19 program work.

20 First of all, I don't know of any plan
21 that has been thrown out by the courts. I'm sure there
22 have been parts of plans that have been appealed and
23 they found themselves in the courts and now the courts
24 are going to be deciding whether the Forest Service
25 complied with the law in the process.

1 In the meantime, these plans are being
2 implemented. The world goes; the Forest Service hasn't
3 stopped managing national forests for the various
4 programs.

5 Neither is it very usual for a timber
6 sale, either the program or individual sales, to be the
7 subject of an EIS, environmental impact statement.

8 Q. All would be subject to an
9 environmental assessment?

10 A. All would be subject to an
11 environmental assessment. That goes without saying. I
12 support that, it is part of the planning process and
13 the design of the particular project, but that is not
14 like two following one, that that will lead to an
15 environmental impact statement. In fact, that would be
16 an unusual case. I don't even remember a case that
17 went to that length.

18 Q. Let me ask you this. You ended your
19 career as a regional forester -- I'm sorry, was it
20 1987?

21 A. I ended my career in 1988.

22 Q. 1988. I realize and the Board
23 realizes that timber sales have continued even
24 throughout this process starting back in 1974, 1976,
25 but I want to focus on a timber sale that would have

1 proceeded pursuant to a plan that is finally approved
2 with all the administrative appeals and judicial
3 challenges completed.

4 I take it in 1988 there wouldn't have
5 been many timber sales for your region that would have
6 proceeded because the plans -- even today some of the
7 plans aren't finally approved?

8 A. That's right.

9 Q. So we still have to wait to see how
10 the timber sales are going to be implemented in
11 accordance with the plans as ultimately approved.

12 I realize that timber sales are
13 continuing, but that is still down the line?

14 A. Well, they are occurring as of today.

15 Q. That's right. That process has
16 started?

17 A. This plan has been approved. There
18 are similar sales being sold as of the implementation
19 of this plan.

20 Q. Okay. I will come specifically to
21 the Willamette plan in a few minutes, but perhaps I can
22 take you back then to the findings of the Conservation
23 Foundation. I will take you back very clearly as to
24 what happened with the Willamette plan.

25 At the bottom of page 44:

1 "From what we have heard at the workshops
2 and our own reading of forest plans, we
3 have found that -

4 -The information base on which many
5 forest plans were built was inadequate.

6 -There is a need for research on methods
7 of data collection and analysis.

8 -In many cases, forest staffs did not use
9 FORPLAN appropriately.

10 -For most forests, a simpler model would
11 suffice."

12 I take it that you would agree with the
13 Conservation Foundation's findings and recommendations
14 here?

15 A. I don't totally agree with those.

16 "The information base on which many
17 forest plans were built was inadequate."

18 I think it is not probably what we would
19 like to have, but I think it is adequate to build a
20 forest plan in most cases.

21 Q. Do you know what forest plans they
22 were looking at when they made those findings?

23 A. I don't.

24 Q. How can you say that this is an
25 inaccurate information base on which many forest plans

1 were inadequate when you haven't done the kind of
2 critique of those forest plans that the authors have?

3 A. I am giving you my opinion based on
4 the forest plans I have looked at and reviewed, and the
5 forest plans that I have observed are in fact complete
6 and proceeded.

7 That's a judgment call I suppose and, you
8 know, what the Conservation Foundation observed that's,
9 you know, what they did. I don't deny that, but in my
10 opinion this is not an accurate statement to
11 characterize the data base and the adequacy for general
12 forest planning.

13 Q. What you are saying is that based on
14 your experience in terms of the forest plans that you
15 have knowledge of, you would disagree with the
16 information base on which many forest plans were built
17 was inadequate?

18 A. I think they were adequate to make
19 the level of decisions that we made.

20 Q. You are not in a position to comment
21 on or disagree with the findings of the Conservation
22 Foundation with respect to the forest plans that they
23 studied in their workshops across the country?

24 A. I can't comment on that.

25 Q. All right. Now, I would like you to

1 turn to page 64. Six Criteria To Judge Planning which
2 you will recognize and criteria, by the way, Mr. Smith,
3 which my client fully agrees.

4 There is -- you filed an exhibit that had
5 these various criteria specified but there was one
6 additional criteria here in the final -- that added to
7 the criteria that were in the drafts that you filed.
8 It is the middle one I believe which says:

9 "The process addresses major issues in
10 ways people can understand."

11 That's an additional one added.

12 I trust that you would agree with that as
13 well and that should be in addition to the criteria in
14 judge planning?

15 A. I like it.

16 MS. SWENARCHUK: Madam Chair, if we can
17 just recall that that criteria is in fact included on
18 page 6 of Exhibit 1753.

19 MR. COSMAN: Madam Chair, I have compared
20 this with the draft of the Forest Foundation's critique
21 which Ms. Swenarchuk filed. So obviously what has
22 happened is that notwithstanding there are only five
23 criteria in the draft Mr. Smith has obtained, the final
24 list, I presume -- let me just check that.

25 MS. SWENARCHUK: We took it from the

1 document we filed, Mr. Cosman.

2 MR. COSMAN: All right. Let me just
3 compare that.

4 MS. SWENARCHUK: It was one of the
5 criteria that was inadvertently omitted from the
6 witness statement. That was corrected in the errata
7 statement from the source book document and included in
8 this exhibit.

9 MR. COSMAN: All right. I will take Ms.
10 Swenarchuk's word for it.

11 Q. In any event, the only point here is
12 that that is something with which you do agree? It is
13 not worth going back and making an issue out of it.

14 A. I really think there is an extra
15 criteria in here. I don't remember which one it is. I
16 am inclined to think it maybe the last one, but
17 nonetheless I agree with all of them.

18 Q. That's the point, Mr. Smith, you said
19 additional criteria here in the final draft. I'm sorry
20 I didn't point to the right one, but if there was an
21 additional one, you do agree that all of the criteria
22 that was specified in the final draft was criteria that
23 should be applied to the planning process?

24 A. Yes.

25 Q. I now want to take you to the Volume

1 8 of the Conservation Foundation critique.

2 Madam Chair, I will tender this as the
3 next exhibit.

4 MADAM CHAIR: That will be Exhibit 1773.

5 MS. SWENARCHUK: Madam Chair, while Mr.
6 Cosman is distributing that, I can direct your
7 attention to page 100 to 101 of the source book version
8 of the Conservation Foundation critique which includes
9 the six criteria.

10 MADAM CHAIR: Thank you.

11 MR. COSMAN: I don't want to perpetuate
12 this. Mr. Smith referred to there being an additional
13 one. In any event, we are just wasting your time,
14 Madam Chair.

15 MADAM CHAIR: Would you identify that
16 document, Mr. Cosman?

17 MR. COSMAN: I'm sorry, yes. This is
18 Volume 8 of the Conservation Foundation critique of
19 land management planning dated June 1990. We filed
20 Volume 2 and I think you will recall that from the
21 draft there were 11 volumes produced. I have filed No.
22 2 and I am now filing No. 8.

23 MADAM CHAIR: All right. For the record
24 that's a 17-page document. And the authors of this
25 document?

1 MR. COSMAN: You have the authors, the
2 specific authors named on the cover page.

3 MADAM CHAIR: 1773.

4 MADAM CHAIR: All were Forest Service
5 forestry service staff.

6 THE WITNESS: Yes.

7 MR. COSMAN: I believe that is right. I
8 will confirm that if I can.

9 MADAM CHAIR: Is says so in the first
10 paragraph of (v).

11 MR. COSMAN: Yes, thank you, Madam Chair.
12 This was a study by a technical team made up of line
13 officers from each region of the Forest Service
14 established to assess the usefulness of forest plans.

15 ---EXHIBIT NO. 1773: Volume 8 of the Conservation
16 Foundation critique entitled
17 Usefulness of Forest Plans,
dated June 1990, consisting of 17
pages.

18 MR. COSMAN: I would ask you to turn to
19 page 17 and 18.

20 MADAM CHAIR: We only have 17, Mr.
21 Cosman.

22 MR. COSMAN: We will hand up one to you.
23 Apparently it wasn't photocopied.

24 Do the other parties have this.

25 MS. SWENARCHUK: No, we only have 17.

1 MADAM CHAIR: We have one copy with the
2 extra page.

3 MR. COSMAN: All right. We will make
4 copies at the break, copies of page 18.

5 MADAM CHAIR: Thank you, Mr. Cosman.
6 Your copy, does it have page 18?

7 THE WITNESS: No.

8 MR. COSMAN: All right. We will use
9 this one.

10 Q. I want to deal with the section
11 Forest Service Employee Perceptions on the usefulness
12 of forest plans.

13 It says as follows:

14 "This subject area addresses Forest
15 Service employee perceptions of forest
16 plans as expressed by line officers.
17 Comments received can be addressed in two
18 categories: complexity, which leads to a
19 lack of understanding, and
20 implementation. The gist of these
21 comments is that the end product - the
22 plan - was much more complicated than
23 expected. Frustration was expressed that
24 the process seemed to be more important
25 than the end product. There was a

1 considerable amount of energy placed on
2 designing a planning process that would
3 withstand public, political, and legal
4 scrutiny. They were numerous reviews to
5 adjust processes and incorporate changing
6 ideas about 'how to do planning'. On the
7 other hand, there was comparatively
8 little energy placed on describing a
9 desired future condition for a forest or
10 in validating the practicality of
11 implementing prescriptions, standards,
12 and guidelines.

13 Although most forest plans were perceived
14 by line officers as a good tool for
15 managing resource on the ground, the
16 effectiveness of the plan is sometimes
17 hampered by unreadable and confusing
18 prose or simply by the bulk of the
19 document."

20 Some of comments have been received about
21 other plans.

22 "Such deficiencies not only reduce the
23 degree to which the manager refers to the
24 direction contained in the document, but
25 also reduce the understanding and level

1 of support for the decisions.

2 Many employees are not aware of the
3 reasons for decisions made in the plan
4 because they were not involved in the
5 process. Therefore, there is reluctance
6 to implement some of the decisions
7 because of lack of ownership. Line
8 officer most often equated this
9 reluctance with a lack of understanding
10 of the intent of management prescriptions
11 and standards and guidelines.

12 Frustration and stress in the
13 organization are very high - again, a
14 product of expectations not being met
15 when the plans were released."

16 First of all, do you agree with these
17 observations by the technical team made up of line
18 officers from each of the regions of the Forest
19 Service?

20 A. I think I generally agree with that.
21 You know, it's variable as you move from forest to
22 forest, region to region. I think there is some of
23 this present in almost every unit.

24 You need to understand, too, that the
25 Forest Service is an unusually open and candid

1 organization, encouraging employees to self-critique
2 and I think it's a very healthy thing because it
3 affords the Forest Service to improve and it will
4 generally affect the next generation of planning.

5 Q. I can confirm from personal
6 experience of meeting with U.S. forest officers that
7 they are indeed open and candid.

8 "The predominant theme in this category
9 is that expectations were that forest
10 plans would simplify the NEPA process."
11 What is NEPA, sir?

12 A. National Environmental Policy Act.

13 Q. And the NEPA process kicks in with
14 respect to both plans and projects?

15 A. That's correct.

16 Q. "The programmatic nature of forest
17 plans requires the line officers continue
18 to consider projects through an
19 environmental impact statement or an
20 environmental assessment process rather
21 than tearing the forest plan and
22 proceeding directly to project
23 implementation throughout categorical
24 exclusions and decision memos. This and
25 the appeals of site-specific projects,

1 create much frustration. They also cause
2 employees to question the value of forest
3 plans for project work and for meeting
4 the goals and objectives in the plans.
5 Line officers and other Forest Service
6 personnel do not have a good
7 understanding of the teiring process
8 under NEPA. Many forest plans and their
9 associated environmental impact
10 statements were not written in a way that
11 made teiring efficient. In the
12 preparation of environmental documents,
13 field personnel are having to expend much
14 time discussing information that should
15 have been presented in the plan
16 documents. The opportunity to
17 incorporate by reference in the NEPA
18 process may not be well understand
19 (although this was not specifically
20 mentioned in the comments).
21 Concerns also are being raised relative
22 to the validity of plan objectives,
23 particularly when expressed as output
24 targets. These concerns seem to result
25 from resource inventories used to feed

1 data to the computer models. People felt
2 that numbers were spit out of the models
3 without knowledge of where those numbers
4 came from and how they were manipulated.
5 This is a perception that too much
6 credibility was given to the 'computer
7 wizards' and not enough attention was
8 paid to the people responsible for
9 managing the resources to achieve the
10 goals and objectives.
11 Because of the complexity of the plan
12 document and the volume of direction
13 included, there is also frustration
14 related to the interpretation of that
15 direction. Different people can read the
16 same words and arrive at different
17 conclusions as to what the plan direction
18 really means on the ground."
19 Which is an implementation problem; isn't
20 it?

21 A. Yes.

22 Q. Do you agree with these comments and
23 findings of the line officers from all the regions?

24 A. I generally do. Two things I will
25 say about that.

1 First of all, a lot of our people were
2 really hoping against hope that would be a panacea to
3 resolve all controversy. Obviously it was not. I
4 think there was an unrealistic expectation on the part
5 of probably most of us that once the forest plan
6 established the purpose in the national forest plan
7 then our jobs would be much easier.

8 We simply -- we know how to do things as
9 long as the public tells us what they would like to
10 have. We knew how do it. It wasn't quite as simple I
11 think the expectation we could tier back to that, that
12 there would be no debate about basic purpose, which was
13 probably somewhat naive.

14 The other thing I would say is I'm
15 certainly among those that were unhappy with FORPLAN.
16 We talked about wheelbarrel loads of computer runs and
17 I personally got very weary of looking through those.

18 They were important, an important tool,
19 but my reliance was primarily on the forest
20 supervisor's narrative description of what he saw that
21 forest looking like after running this plan for ten
22 years: Tell me about it, give me a vision. It was my
23 insistence that that's the way we portray it to the
24 public as well in terms that we can all understand.

25 So, you know, I do agree with most of

1 this. I think some of the dissatisfaction is tied back
2 to naive expectations.

3 Q. All right. I now want to go to
4 Volume 9 of the critique. I think these pages are
5 numbered so it is of greater assistance. There are 44
6 pages, Madam Chair.

7 MADAM CHAIR: This will be Exhibit 1774.

8 ---EXHIBIT NO. 1774: Volume 9 of the Conservation
9 Foundation critique entitled
10 Analysis of an Emerging Timber
 Supply Disruption, dated June
 1990, consisting of 44 pages.

11 MR. COSMAN: Q. Now, this is an analysis
12 of emerging timber supply disruption. This is the
13 subject of this part of the critique. And just for --
14 and, again, it's part of the Conservation Foundation
15 study and the same date, June 1990.

16 It was a report for the USDA Forest
17 Service, as you will see, and I am going to be making
18 reference to the Executive Summary, but you will see
19 how this particular report came to be initiated and
20 specified in the Executive Summary, and it says:

21 "Former Assistant Secretary Dunlop of the
22 Department of Agriculture directed the
23 Chief of the Forest Service to identify
24 the root causes associated with the
25 potential disruption of the national

1 timber supply. An overview of the
2 analysis and recommendation follows. The
3 recommendations overlap those developed
4 as part of other recent efforts, such as
5 the recent in-house NFMA task group..."
6 and then it mentions the steering group that was
7 created to conduct this study.

8 This is the overview provided by the
9 authors:

10 "Conflicts over Forest Service timber
11 management activities are increasing
12 to the point where the constant flow of
13 timber products from national forests is
14 being disrupted. Recent litigation in
15 the Pacific Northwest and resulting
16 timber sale injunctions related to the
17 northern spotted owl are a case in point.
18 There is potential for the disruptions to
19 create social and economic problems in
20 dependent communities.

21 When people are not successful in using
22 our Government's system of checks and
23 balances to cause change, they can often
24 use them to force a stalemate or
25 disorder. An impasse results when no

1 project decision can be made that
2 simultaneously satisfies all laws,
3 regulations, high order plans, and social
4 an political imperatives."

5 On that basis, this particular group
6 looked at a number of different things, timber sale
7 preparation, context of integrated resource management
8 and annual funding by Congress and public opportunities
9 for influencing agency decisions.

10 I just checked and there are marginal
11 notes, Madam Chair, and I just realized that they must
12 have been copied when they were photocopied. They are
13 questions I am going to ask. They are counsel
14 comments.

15 MADAM CHAIR: I don't think we have
16 any...

17 MR. COSMAN: I don't know if your copy --
18 okay, good. So counsel have it, but you don't, but in
19 any event I am going to ask the questions.

20 Q. This is what the author says starting
21 at the bottom of page (vii).

22 "Timber sales take from 3 to 8 years to
23 prepare..."

24 Now, this would be after the plan has
25 been approved, is that correct, if the timber sale is

1 to be based on plan?

2 A. Yes, that's been the case before the
3 plan.

4 Q. All right. So timber sales
5 between -- without this new planning process with the
6 forest plans it takes three to eight years in the
7 American system to prepare a timber sale?

8 A. We chose to take -- actually five
9 years is our plan and it is a matter of budgeting and
10 staffing and, you know, dealing with seasonal field
11 opportunities it takes that long to get through our
12 planning process for timber sale.

13 Q. All right. And if you go over to the
14 page, page (viii):

15 "The amount of timber to be offered along
16 with the necessary funding is set by
17 Congress during annual appropriations.
18 The public has many opportunities for
19 influencing both the agency's strategic
20 and project decisions. The agency's
21 administrative procedures provide for
22 appeals of decisions. In addition, the
23 public influences agency decisions
24 through lawsuits and through political
25 means."

1 It is the next three paragraphs that I
2 want to focus on.

3 "The public is seizing many opportunities
4 to influence agency decisions. Increased
5 controversy has increased the cost
6 of preparing timber sales by 25 to 33 per
7 cent. Because of the controversy, many
8 sales are lost, and the agency has had to
9 increase the amount of timber land in
10 some stage of preparation by 40 to 60 per
11 cent. Project decisions - in this case,
12 timber sales - are controlled by several
13 distinctly different processes -
14 administrative, legal and sociopolitical.
15 The administrative process is a framework
16 of laws and decisions involving all
17 branches of Government, which operate
18 together to set the stage for making
19 project decisions.
20 In addition to being part of the
21 administrative processes, legal processes
22 also serve to test and change project
23 decisionss, and sociopolitical processes
24 set priorities and allocate funds on an
25 annual basis and provide a mechanism for

1 redress for project decisions that are
2 contested."

3 Now, this is merely a description of the
4 process. Is it an accurate description, as you see it?

5 A. I think the description of the
6 disruptions is fairly accurate without, you know,
7 explaining why and in its relationship to planning.
8 These things happen.

9 Q. Carrying on:
10 "After studying the disruption of timber
11 supply, it seems clear that there are no
12 quick fixes. Any short-term efforts
13 taken to respond to the growing problem
14 must address the causes and not the
15 symptoms to be effective. Short-term
16 efforts to fix the symptoms or solutions
17 that deprive the public of an opportunity
18 to influence outcomes are often lead to
19 unpredictable disruptions in unexpected
20 areas."

21 Then there is a description of the --
22 Appendix A shows the results of the controversy,
23 appeals, changing market conditions and the author
24 derived two conclusions and I will just touch upon
25 these before lunch.

1 You will see at bullet one:

2 "Those forest product mills that depend
3 on national forest timber have an average
4 of 1.6 years of supply under contract.
5 The supply ranges from a low of 6 months
6 to a high of 3 years. That compares to a
7 historical level of 2 to 3, which
8 generally is considered necessary to
9 sustain normal mill operations. Twenty
10 forests have less than 1 year under
11 contract, while 38 forests have less 2
12 two years under contract."

13 First of all, in the historical level of
14 two to three years, this is in the context of mills and
15 companies that in addition to a supply on national
16 forests have their own supply through private lands; is
17 that correct?

18 A. Can you state that again?

19 Q. All right. There is a reference in
20 the U.S. situation to a historical level of two to
21 three years which is now down at the level of 1.6 years
22 or 6 months to 3 years in that level.

23 I am saying that the two to three-year
24 historical level is in the context of your system where
25 18 per cent of the wood supply comes from national

1 forest and the balance of the wood supply comes from
2 other sources and a large chunk of that being private
3 lands?

4 A. That's right with this clarification,
5 that where national forest timber is made available, it
6 usually represents a much greater proportion of share.

7 Spread across the entire nation the 18
8 per cent is right, but in the Pacific northwest, for
9 example, it is probably closer to 50 per cent.

10 Q. The point being that the forest mills
11 that depend on national forest timber are now down to
12 an average 1.6 years of supply under contract.

13 Do you have any idea as to the capital
14 investments that are needed for mills in the pulp and
15 paper industry, for example?

16 A. Sure.

17 Q. Do you know or do you accept that a
18 minimum of a 20-year supply in Ontario is considered a
19 norm for a major capital investment, that being -- you
20 may not know for Ontario, but for the multi-million
21 dollar capital investment that is made in the pulp and
22 paper industry -- let me put it this way to you.

23 Do you think anyone is going to make that
24 investment with a 1.6 year of supply under contract
25 unless they have occupied lands?

1 A. I'm not surprised that yours is a
2 20-year supply in Ontario.

3 The period was much longer when these
4 capital investments were made in the U.S. as well. In
5 fact, we had such things as 50-year contract
6 arrangements to encourage capital investment and in
7 Alaska that has been fairly recent.

8 I think there is some very good reasons
9 why this has happened, and it's not related to what you
10 are suggesting. One is that there has over the years
11 been an overinstalled capacity to manufacture wood
12 products from the available supply. That has caused a
13 great amount of competition just to survive.

14 Another factor that seems to me to bear
15 on this is the private timber which represents probably
16 somewhere around a half of the available supply
17 historically has almost been cut out in the Pacific
18 northwest.

19 Q. And in other parts of the country
20 those private lands are now coming on stream such as in
21 the south; is that not right?

22 A. That's right, but that -- it isn't
23 going to help the capital investment in the mills and
24 in the Pacific northwest and dependent communities in
25 the Pacific northwest; therefore, you have the

1 warehousers, as I mentioned earlier to the Board, in
2 the 70's who were not buying national forest timber,
3 now are buying lots of it and are in a position to
4 compete very favourably with the smaller manufacturers
5 that were totally dependent on national forest timber.

6 There was also the period in the 80's
7 when the supply situation and demand situation caused a
8 huge enormous increase in bid prices and then the
9 market crashed, left an industry with completely
10 overvalued stumpage and bankruptcies were, you know, on
11 the horizon.

12 The Congress bailed them out and directed
13 the Forest Service to alter the way it offered timber
14 sales, particularly in the way of size and bond
15 requirements and so forth. I think that the
16 combination of all those things led to a smaller
17 pipeline of timber under contract from the national
18 forest.

19 Further, the timber industry in the U.S.
20 is notorious for not putting capital back into its
21 facilities. So that you have antique manufacturing
22 plants that were designed for old growth timber that
23 are operating with the same technology -- a lot of the
24 same technology that they were many years ago and
25 that's not in all the cases, it computerized all kinds

1 of things like that.

2 Technology reduced the number of workers
3 in mills, but basically the basic plant was -- we are
4 not talking about huge investment, they are already
5 there, already been amortized.

6 Q. Well, let me -- just before we break,
7 just one last question. This Board has heard evidence
8 of considerable capital investment in Ontario in the
9 mills and the plants.

10 Do you think that you would have had that
11 investment if you had an average of 12.6 years of
12 supply under contract with no guarantee of long-term
13 supply?

14 A. I don't know, but I do know you have
15 to have some kind of an assured supply, otherwise you
16 can't expect people to invest money. So whether it is
17 a contract for one year or 20 years, I think the
18 assuredness has to be there that this is going to be
19 continuing and not rising up and down so that you are
20 left hanging with your investment.

21 MR. COSMAN: It is a good time, Madam
22 Chair, if it is satisfactory with you, to break for
23 lunch.

24 MADAM CHAIR: Thank you, Mr. Cosman. We
25 will be back after lunch.

1 ---Luncheon recess at 12:05 p.m.

2 ---On resuming at 1:35 p.m.

3 MADAM CHAIR: Please be seated.

4 Mr. Cosman.

5 MR. COSMAN: Thank you.

6 MADAM CHAIR: Is your cross-examination
7 going according to schedule?

8 MR. COSMAN: Very close. It might be a
9 little lower, it depends on -- if we had an extra half
10 hour, but I think it will be very close.

11 Q. Mr. Smith, we were on (viii) in the
12 analysis in emerging timber supply disruption in the
13 United States, and at the bottom of page (viii) I just
14 wanted to refer to the findings of the authors there:

15 "Preparation time and unit costs have
16 increased dramatically recently. Current
17 time and unit costs are more than 25 per
18 cent greater than than average costs over
19 the last 5 years. New appeals and court
20 decisions and changes in policy,
21 regulation, and statute have a profound
22 effect on the timber sales in the
23 pipeline. Many environmental analyses
24 need to be redone, and many project
25 decisions need to be revisited."

1 I focus on the next statement:

2 "The forests' aggregate ability to meet
3 sales targets set by Congress is
4 impaired."

5 It is Congress that sets the targets, the
6 production targets for the land; is it not?

7 A. It is based on the recommendations of
8 the administration and Forest Service.

9 Q. Is it fair to say that those
10 production targets or that the ability to reach those
11 production targets is a major concern in the United
12 States today?

13 A. It is.

14 Q. I want to go to the recommendations
15 of this group which are set out and I am not going to
16 take the Board through all of them, although they are
17 all there for the Board to review, but as we are
18 looking for some guidance in the planning process that
19 we are developing for this province I want to in
20 particular focus on No. 6:

21 "Reduce the opportunity to reopen issues
22 already decided. Change the appeals
23 regulations to establish standard for
24 review that sharply focus the allowable
25 scope of appeals and to encourage

1 conflict mediation through the greater
2 use of appointed hearings officers or
3 ombudsmen to meet face-to-face with
4 appellants who seek resolution. The
5 goals are to reduce the number of
6 appeals, simplify dismissal of appeals
7 when they are based on decisions made in
8 higher order plans, and limit the number
9 of appeals that are accepted."

10 Do you agree that it is an important
11 recommendation to reduce the opportunities to reopen
12 issues already decided?

13 A. I don't necessarily agree with that.
14 I wished it were the case, but sometimes a decision is
15 made and subsequent to that the circumstance has
16 changed; for example, a species is declared threatened
17 and endangered, and that alters the whole playing
18 field.

19 So even though I would wish that once we
20 made a decision it would hold, I also realize that they
21 occasionally have to be reopened because of changing
22 circumstances.

23 Q. I think the operative word in what
24 you have just said is occasionally they have to be
25 reopened. No planning system could ever work if all

1 decisions were subject to be revisited and reopened all
2 the time; would it?

3 A. That's right.

4 Q. So if an endangered new species is
5 discovered and so declared, that might be an
6 opportunity to -- or might be a reason to revisit it,
7 but when you take a look at the way the statement is
8 provided, and without those kinds of dramatically
9 different circumstances, reopening and revisiting the
10 same issues that have been settled is not a good idea?

11 A. To the extent the circumstances have
12 not changed I agree, but I would not be an advocate of
13 limiting the opportunity to reopen when the
14 circumstances change.

15 Q. Well, maybe we will have some
16 argument on that in terms of our appeals procedures.

17 I would like now to the a new document,
18 and just to show that this debate isn't limited to the
19 U.S. Forest Service or independent consultants or
20 bodies or universities that have retained to examine it
21 I have got a portion partly for Mr. Martel, but from
22 the Congressional Record of the Senate in which some of
23 these issues have been discussed on the floor of the
24 Senate.

25 I would like to file, Madam Chair, as the

1 next Exhibit 3 copies or a copy of the Congressional
2 Record of the Senate for June 20, 1990.

3 MADAM CHAIR: This will be Exhibit 1775.
4 How many pages in this, 69 to 85?

5 MR. COSMAN: Yes.

6 What it consists of is the transcript of
7 the senate debate on the subject, but you will see also
8 read into the record - or printed in the record
9 actually is the language used in the U.S. Senate -
10 starting at 8371, various submissions by various groups
11 including the Ombudsman Society and the Wilderness
12 Society in the United States, and then a final document
13 being a particular bill.

14 The subject of this exercise was a bill
15 to facilitate the implementation of national forest
16 land and resource management plans and for other
17 purposes.

18 I am just going to take you to certain
19 statements just to show that Ontario is not alone when
20 these kinds of debate do take place on the floor of our
21 legislature.

22 ---EXHIBIT NO. 1775: Congressional Record of the
23 Senate for June 20, 1990
24 re a bill to facilitate the
25 implementation of national forest
land and resource management
plans and for other purposes,
consisting of 16 pages.

1 MR. COSMAN: In the introduction of this
2 bill, Mr. Hatfield:

3 "Mr. President, last July as the Senate
4 debated the fiscal year 1990 Interior --

5 MR. FREIDIN: Excuse me. Where are we?

6 MR. COSMAN: Sorry. I am starting on
7 page 8369 in the right-hand column.

8 MR. FREIDIN: Thank you.

9 MR. COSMAN: Q. By Mr. Hatfield.

10 "...last July as the Senate debated
11 the fiscal year 1990 Interior
12 appropriations bill, several Senators
13 from different regions of the country and
14 I discuss problems associated with the
15 management of our national forests. Both
16 the discussion, and our subsequent
17 approval of short-term measures to
18 facilitate this management, were
19 precipitated by a management crisis
20 caused by litigation which had sweeping
21 effects on timber management programs in
22 my region. This litigation emerged out
23 of a fundamental disagreement about how
24 best to manage our national forests
25 between two basic sectors of the public:

1 the timber industry and the environmental
2 community.

3 Simply put, the disagreement reflected
4 two perspectives of the same issue: how
5 to provide a stable commodity flow while
6 simultaneously protecting the ecology of
7 the resource base from which the
8 commodities flow."

9 Sounds like something we have been
10 looking at.

11 "At the end of that discussion, the Senate
12 agreed on what I described as a
13 short-term, 14-month holding pattern
14 solution in an effort to bring the
15 parties together to resolve the issues in
16 a long-term manner that does not
17 necessitate the coming to the floor each
18 year on an appropriations measure to try
19 to put another band-aid on a very, very
20 serious manner."

21 Before I ask you the question, sir,
22 jumping down to the middle of that first column on
23 8370:

24 "My colleague from Idaho, Senator
25 McClure, my colleague from Vermont,

1 Senator Leahy, my colleagues from
2 Washingto, Senator Adams and Senator
3 Gordon, as well as several other
4 Senators, agreed that we needed time to
5 take a fresh look at these forest
6 management issues. We also concurred
7 that forest management problems are not
8 unique to the national forests of the
9 Pacific Northwest, and that we must
10 address those problems experienced in the
11 National Forest System nationwide."

12 You are aware, sir, I trust of the debate
13 that is taking place even on the floor of the Senate
14 with respect to the kinds of issues that are subject of
15 this hearing?

16 A. Yes.

17 Q. If you go down to the bottom of the
18 page of that same first column:

19 "The forest planning process mandated
20 by the 1976 statute is nearly completed.
21 The Forest Service informs us that of the
22 123 plans to be completed, 101 are final,
23 and the remainder are in draft form,
24 Undergoing various stages of public
25 review and revision by the agency.

1 Fifty-eight plans have cleared all
2 appeals and litigation, which leaves 580
3 appeals and lawsuits pending on the
4 rest."

5 Now, when you said a minute ago that
6 closing off an issue or limiting the right of further
7 review was something that you would not want to do as a
8 matter of process, were you speaking as a planner in
9 that respect?

10 A. No, I'm speaking from the perspective
11 of regional forester or line officer responsible for
12 the programs.

13 Q. All right. Then on the second
14 column, about 15 lines down:

15 "We must now look beyond the present
16 results of the NFMA planning process
17 to chart a path for the 1990's and into
18 the 21st century."

19 I want to go over to -- there are various
20 discussions of various hearings of the Senate that took
21 place in respect of the problems in this subject area,
22 and just to highlight one of the socio-economic
23 problems on page 8371, first paragraph about two --
24 middle of the third paragraph from the bottom you will
25 see -- I will start:

1 "In early April, the Interagency
2 Scientific Committee (ISC), or the Thomas
3 Committee, released its proposed
4 conservation plan. Subsequently, the
5 Forest Service and BLM..."
6 Bureau of Land Management?

7 A. Yes.

8 Q. "...conducted an evaluation of the
9 economic and social implication
10 of the Thomas Committee's proposed plan.
11 In Oregon alone, it was estimate that 1.2
12 billion board feet, \$610 million dollars
13 in revenues and 15,400 jobs would be lost
14 by adoption of the Thomas Committee's
15 plan as recommended."

16 In the comments -- first of all, again,
17 you are quite aware, being from the Pacific northwest,
18 of the impacts of recent developments in a
19 socio-economic basis?

20 A. Certainly.

21 Q. And you don't dispute the information
22 that's contained in the Senate report here?

23 A. Well, I think that was the best
24 information at the time. Some of these job numbers
25 have changed. It depends on who you talk to, you know,

1 and how they measure them. It has been all the way
2 from 7,000 to 20 some thousand jobs.

3 Q. We will round it off to fifteen-four,
4 I guess.

5 Then in addition to that, there are a
6 number of recommendations or in the second column there
7 a number of things that have been examined in the
8 hearings and in the second paragraph -- in the middle
9 column, second paragraph from the bottom, there is a
10 suggestion after reference to the various submissions
11 and representations heard by all the various groups, it
12 says:

13 In addition to testifying at the hearings
14 I have just reviewed, several groups have
15 put forth proposals for moving forward
16 this year to set the management goals for
17 the National Forest System."

18 I want to turn to --

19 A. Pardon me, are you on page...

20 Q. Sorry. Page 8371.

21 A. All right. Middle column?

22 Q. Middle column, just close to the
23 bottom. (indicating) Just above the paragraph saying,
24 "In January..."

25 A. All right.

1 Q. I want to make reference to some of
2 the submissions that were made just this past summer to
3 the Senate. There is a submission by the Audubon
4 Society and if you turn over to page 8372, the middle
5 column, the heading Reduce Federal Sales, it says:

6 "Timber sales must be reduced to an
7 amount consistent with preservation and
8 conservation goals. The Sierra Club
9 estimates that the annual sales level
10 (net merchantible) on Washington and
11 Oregon national forests must be lowered
12 to between 2.0 and 2.9 billion board feet
13 to accomplish this. For comparison, the
14 actual average cut level was 3.7 billion
15 board feet (net) between 1979 and 1988."

16 Now, is that on national forest lands we
17 are talking about here?

18 A. I feel sure it is.

19 Q. I believe it is.

20 A. It doesn't say that, but I'm sure it
21 is.

22 Q. The same kind of submission, if you
23 turn over to page 8374, you will see a submission by
24 the Wilderness Society and if you go over to the next
25 page, 8375, again you have first in the left-hand

1 column Reduce Federal Timber Sales and there is again a
2 suggestion that there should be a reduction in sales.

3 It seems quite clear in terms of national
4 forest lands and the demands on it, not only by
5- increasing urban populations and major lobby groups,
6 that there is a great push to reduce the output from
7 national forests.

8 In fact, I think you pointed to the
9 reduction in output on the Willamette Forest as a
10 result of the adoption of the plan; is that right?

11 A. I think as a general statement that's
12 true. Not all the groups agree with that. You are
13 picking out the so-called environmentalists point of
14 view--

15 Q. Yes.

16 A. --which is the extreme point of view.
17 I doubt that even the timber industry agrees that the
18 production can remain where it has been, but it is
19 certainly a different place.

20 Q. So, in other words, you would
21 describe the environmentalist's position as the extreme
22 position because they are pushing for major reductions?

23 A. Yes.

24 Q. In your view, the reductions may not
25 go as far as the extreme positions that are being

1 advanced, but a trend is towards reducing output on the
2 national forests?

3 A. Timber output, yes.

4 Q. Timber output, rather.

5 A. Yes.

6 Q. I would like to turn over to the next
7 page, 8376, and the Wilderness Society's submission,
8 how to accomplish this in part. You will see the
9 bottom -- the middle column, bottom paragraph, it has
10 the title Improve Forest Management on Highly
11 Productive Lands.

12 What you have in the next few paragraphs
13 are suggestions on how private lands -- there should be
14 greater utilization of private lands for timber output,
15 and let me just read just a couple of those to put it
16 into context.

17 "Private forest landss in the Pacific
18 Northwest account for more than 43 per
19 cent of the total commercial lands in the
20 region and contribute just over 56 per
21 cent of timber cut."

22 I think that's consistent with what you
23 have said earlier.

24 A. I don't know about the 56 per cent if
25 you look forward. As I mentioned, the private lands

1 have been pretty well cut out in terms of -- not
2 destroyed, but they are in younger age classes now and
3 they wouldn't be contributing as much. So it may be 56
4 per cent. I think it will be less than it has been.

5 Q. All right. So there may be a period
6 of transition as those forests mature on the private
7 lands?

8 A. I think it will be cyclic if it
9 continues the way it is.

10 Q. All right.

11 "State and other no-federal lands
12 represent another 13 per cent of the
13 region's commercial forests. These lands
14 are substantially more productive timber
15 growing lands than the federal forests in
16 the region. For example, the Forest
17 Service classifies 63 per cent of the
18 private lands in the highest productivity
19 classes, compared with just 27 per cent
20 of the national forest lands."

21 They go on to make the point:

22 "The private lands are capable of
23 increased timber production."

24 They suggest that, they set out certain
25 barriers to do that and then they make a number of

1 interesting suggestions as to how you increase the
2 utilization of private lands, and I am going to refer
3 to those. You will see that in the last third column,
4 halfway down:

5 "To address these problems Congress
6 should:

7 A. Reinstate a preferential tax rate for
8 capital gain derived from the sale of
9 timber."

10 Now we are talking here about private
11 lands in this context.

12 "B. Allow non-industrial landowners to
13 deduct forest management expenses in the
14 year incurred.

15 C. Improve technical assistance to
16 landowners.

17 D. Urge the states to adopt land use and
18 zoning standards that discourage
19 conversion of forest land to non-forest
20 uses.

21 E. Support public purchase of forest
22 land to assure continued use as
23 timberland.

24 So that the suggestion is for greater
25 federal expenditure with respect to private lands,

1 either by way of incentives or tax benefits which would
2 perhaps take the pressure off the national forests and
3 accomplish the environmentalists' lists goal of
4 reducing timber output on the national forest.

5 Do you see that as being sort of the
6 proposal that is presented here?

7 A. I see that as the intent. I do not
8 see kind of the flip side of that that is diminishing
9 the effect of that and that is, the emergence of
10 private land regulations by the states that tend to
11 decrease timber production.

12 Q. You have made the point that's
13 subject to litigation. At the present time, the extent
14 of the limit that can be imposed by law on private
15 landowners has not been -- has not had its ultimate
16 resolution in the courts?

17 A. Well, I'm speculating that pushed too
18 far there will be a point where litigation in the
19 courts will decide what is the constitutional taking in
20 our country.

21 Q. Appropriation?

22 A. Yes. So, you know, that has not
23 occurred yet, but it's quite possible it will occur and
24 all that will do is draw the line.

25 Q. In any event, what it suggests is,

1 and perhaps this is just a further example of what you
2 have testified about, the increasing demand on national
3 forests for diminished timber output and increased
4 output in other non-market outputs, if you would put in
5 that bureaucratic language?

6 A. I think that's what's visible, is a
7 trend towards increasing -- or decreasing timber
8 production. The demand is there for continued or
9 increased timber production, but there is also a great
10 demand for the non-timber, non-market values.

11 Whether the Forest Service can figure out
12 ways to squeeze more out of those lands, for all
13 purposes I don't know. I think we are kind of reaching
14 that limit.

15 MADAM CHAIR: Excuse me, Mr. Smith.
16 Hatfield's recommendations on what to do to take the
17 pressure of national forests, those don't jive at all
18 with what you have just told the Board with respect to
19 the timber isn't -- you don't think the timber is there
20 on private lands.

21 THE WITNESS: I may have misrepresented
22 that to the Board. The timber lands are there and, you
23 know, I have to reason to believe that they are not
24 fairly productive. They have been cut at a rate that
25 exceeds even flow.

1 So the timber lands have been cut out,
2 reforested and are back in growing condition are
3 smaller trees and are now not available for timber
4 harvest; therefore, the demand is shifting over to the
5 national forest.

6 That private supply should return over
7 the course of the next 20 to 40 years so that the
8 private land will again be, you know, pulling its
9 share.

10 MADAM CHAIR: But there is no immediate
11 substitution of greater production from private lands?

12 THE WITNESS: I think studies have shown
13 in the Pacific northwest that that's the case for the
14 immediate future.

15 These private lands are very productive,
16 as it was stated. The timber industry with timber
17 objectives will use a rotation of 40 to 60 years which
18 is not acceptable in the national forest given the
19 wider range of, you know, benefits or purposes.

20 So it's going to be 20 to 40 years before
21 these lands come back on line as available for harvest.

22 MR. COSMAN: Q. Well, let me take you
23 back to 8376 and to what the Wilderness Society says
24 about that in the last column, third column beginning
25 in the first paragraph:

1 "The private lands are capable of
2 increased timber production, particularly
3 the 18 per cent of the lands that are
4 held by individuals, farmers and
5 institutional investors."

6 In terms of institutional investors, I
7 understand insurance companies are the biggest holders
8 of those lands in the United States. Are you aware of
9 that or can you confirm or deny it?

10 A. I can't really confirm or deny it.
11 That surprises me for the Pacific northwest.

12 Q. Well, wherever the institutional
13 investors are in the Pacific northwest, it says here
14 that:

15 "The private lands are capable of
16 increased timber production...and these
17 lands collectively called the
18 non-industrial private forestd, are some
19 of the best timber growing lands in the
20 Northwest. They are also the most
21 under-utilized."

22 So are you suggesting that all of the
23 private lands in the Pacific northwest have been cut
24 and contrary to what the Wilderness Society says here,
25 they are not forest lands that are capable of increased

1 production that's describe here?

2 A. No, thank you for allowing me to
3 clarify that.

4 My remark was for the commercially
5 industrial lands which do represent a significant
6 portion of Oregon and it is where the cutting has been
7 occurring principally.

8 Now, there are so-called non-industrial
9 lands that are generally in much smaller blocks of
10 ownership owned by farmers and...

11 Q. Institutional investors and others?

12 A. I would characterize it more as by
13 individuals and groups. There must be some
14 institutional investors. I'm not sure where they lie.

15 Those lands have not been managed for
16 timber purposes by and large because the owner's
17 objectives and purposes were not timber production.
18 They were for holding small parcels of 5 to 60 acres or
19 so of timber land, living on it as an escape from the
20 urban setting or simply holding natural lands for
21 whatever purposes: recreation, hunting, fishing,
22 whatever.

23 The Forest Service recognizes there is
24 great potential in those lands. The land and the
25 resource doesn't care who owns it and how it is broken

1 up by boundaries. This is pretty characteristic all
2 over the United States, not just the Pacific northwest.
3 In fact, it is probably more pronounced in other parts
4 of the country, i.e., the south and the east.

5 Those lands have never really been placed
6 under management for timber purposes. It is an
7 objective of the Forest Service and many of the states
8 to see if they can't get those lands under some sort of
9 management that will produce timber products.

10 I'm not terribly optimistic that that
11 will just happen with a passing of the wand. These
12 people's objectives are different than the
13 warehouser's, the Boise Cascade's and the other people
14 who own industrial forests.

15 Q. Whether it is a passing of the wand
16 or an enactment of incentive programs such as provided
17 here, you would not disagree that 60 per cent of the
18 lands in forests in that region are capable of
19 increased timber production?

20 A. Yes.

21 Q. I would ask you to turn to page 8378,
22 and in the third column, the second to last paragraph -
23 and we are back into Mr. Hatfield's statements - and he
24 says:

25 "For example, we heard considerable

1 testimony from both the Forest
2 Service and from academicians such as Dr.
3 Dennis LeMaster of Purdue University and
4 Dr. Alaric Sample from the Conservation
5 Foundation, that the NFMA planning
6 process is 'basically sound' and 'should
7 not be scrapped by Congress'.
8 However, we also heard testimony that the
9 planning process - while basically sound
10 - is not arriving at forest plan
11 decisions that are easily implemented.
12 Several witnesses agreed that the
13 Congress has not provided sufficient
14 direction to the Forest Service to allow
15 forest plan implementation."

16 I will be going to implementation, so I
17 just want to ask you whether or not you agree with the
18 statements of Dr. LeMaster from Purdue and Dr. Sample
19 of the Conservation Foundation that the -- I know you
20 agree that the system is not basically flawed, but at
21 the same time do you agree that the planning process is
22 not arriving at forest plan decisions that are easily
23 implemented? You agree with that?

24 A. I agree with Dr. LeMaster's and
25 Sample's assessment of the planning process. I'm not

1 as pessimistic perhaps about being able to implement
2 these. I know it's difficult.

3 I feel in some respects expectations are
4 too high for smooth, easy implementation of these
5 plans. So I guess I'm somewhere a little bit short of
6 that pessimism.

7 Q. Well, the concern at such a level is
8 that the senators are introducing a bill to try to
9 accomplish and to facilitate the implementation of
10 those plans; isn't that right?

11 A. Yes, and I know these senators. In
12 fact, senator Hatfield is my senator from Oregon. I
13 think the context in which this is being dealt with. I
14 know the level of frustration that these political
15 leaders have in dealing with public controversy. They,
16 quite frankly, would like to fix it and they are always
17 looking for a quick fix.

18 I don't think there is a quick fix. I
19 think it is going to be a rather arduous working at it
20 and I really believe that ultimately it is integrated
21 forest planning, letting it proceed, be tested,
22 challenged and go along that is going to solve the
23 problem, not the quick fix.

24 The quick fix, in my view, is going to
25 result in a complete division of the national forest

1 into single use segments. That is the way it has
2 trended, that's the way Congress fixes it. They are
3 not comprehensive land management planners. They try
4 to resolve the issue and resolve the issues one at a
5 time results in dividing it up into small pieces.

6 Q. Well, can I say this. We are talking
7 1990-1991, we are not talking 1980-81 here.

8 But in 1991 there is sufficient concern,
9 and I don't believe it is a quick fix that they are
10 talking about, they are talking about in their
11 statements here that they are trying to avoid the quick
12 fix and the band-aids and they are trying to develop
13 legislation that will implement a plan -- or facilitate
14 the implementation of a planning system that's been
15 going on since 1976.

16 A. Well, you can call it what you want.
17 You know, I appreciate the position of a political
18 leader. I think they would like to have that decision
19 behind them and they are looking for a solution that
20 will get the Forest Service engine running again
21 without surfacing controversies into the political
22 arena again.

23 Q. All right. Just to show yo -- we
24 have dealt with critiques by various governmental and
25 professional bodies in our evidence, the Congress of

1 the United States Office of Technology Assessment, the
2 Conservation Foundation's critique of land management
3 planning, some discussion on the floor of the Senate in
4 the introduction of new bills to try to implement the
5 planning system that's been in place.

6 I would like to go now to -- perhaps to
7 the industry side of this and I am not going to take
8 you through all of these in any great detail, but I'm
9 going to see if these are some of the kinds of concerns
10 that have been expressed by Industry about the planning
11 system that is in place with respect to forest
12 management in the United States.

13 First of all, just so the Board has a
14 perspective not only of professional and academic
15 criticism, I want to put before the Board examples of
16 the kind of criticism of the planning process that has
17 been made by Industry groups.

18 First, Madam Chair, is a statement, for
19 the record, of James S. Riley, Executive Vice-President
20 of the Intermountain Forest Industry Association before
21 the Subcommittee on Public Lands, National Park and the
22 Forests Committee on Energy and Natural Resources of
23 the United States Senate, October 25th, 1989.

24 MADAM CHAIR: This will be Exhibit 1776.
25 This document is...

1 MR. COSMAN: It is a submission to that
2 subcommittee of the senate, Madam Chair.

3 MADAM CHAIR: How many pages is it, Mr.
4 Cosman?

5 MR. COSMAN: Ten, I believe. No, it is
6 more than that.

7 MADAM CHAIR: Sixteen?

8 MR. COSMAN: Yes, that's right.

9 MADAM CHAIR: And there is something
10 attached to it.

11 MR. COSMAN: That's right. It is 16 with
12 a ten-page letter attached.

13 ---EXHIBIT NO. 1776: Statement of James S. Riley,
14 Executive Vice-President of the
15 Intermountain Forest Industry
16 Association before the
17 Subcommittee on Public Lands,
18 National Park and the Forests
Committee on Energy and Natural
Resources of the United States
Senate, October 25th, 1989,
consisting of 16 pages with a
10-page letter attached.

19 MR. COSMAN: Q. I really want to use
20 these as samples for the flavour of the concerns that
21 are being expressed at the senate level with respect to
22 the planning process that was designed, hopefully, to
23 resolve a lot of problems.

24 If I could ask you to turn to page 1 to
25 begin with, you will just see who this association is.

1 You will see in the second paragraph:

2 "IFIA..." Intermountain Association,
3 "...is an association of forest land
4 owners and forest product manufacturers
5 in Idaho, Montana, Utah, Wyoming,
6 Colorado, and South Dakota. All of our
7 members are dependent in whole or in part
8 on the National Forests in the states for
9 their source of raw material supply."

10 On page 2, and I would urge the Board to
11 read it in full, but I won't take the hearing time of
12 the Board to do that, but you will see at page 2, in
13 the (ii) second heading, one of the big concerns is
14 expressed.

15 "The forest plans in the intermountain
16 regions demonstrate both a shift to
17 non-commodity production as well as the
18 lack of closure in dealing with resource
19 conflicts."

20 We have discussed in another context the
21 lack of closure in dealing with resource conflicts and
22 we have discussed as well a shift in non-commodity
23 production, but are you familiar with those concerns as
24 expressed with respect to the intermountain regions in
25 the United States?

1 A. I think you selected a region that
2 reflects this kind of in spades, if you will.

3 Q. I have some other regions coming.

4 A. This is in a particular -- this is an
5 area where we faced the issue of below-cost sales.
6 Sales do not pay for themselves in this region by and
7 large and that has levered the planning away from
8 timber production because it cost more to offer them
9 than it does the return on them.

10 Also, the nature and character of the
11 resources in that region are of the sort that people,
12 United States people really value them for their scenic
13 and recreation qualities.

14 As far as lack of closure, I don't know
15 of anything that's different to there than anywhere
16 else. It's probably true.

17 Q. Let's turn to page 11, and I am not
18 so much concentrating on that and I can anticipate
19 there were all kinds of strong views expressed on the
20 public recreation side in this region of your country,
21 but I am talking about the plans and their
22 implemenation once they have been -- and a lot of time
23 has gone into their preparation.

24 I would like to turn to page 11 which
25 deals with those plans after they have been prepared,

1 which presumably is to obtain a consensus or measure of
2 agreement with respect to what those lands -- what the
3 land uses are going to be, including timber production
4 on a limited basis in these regions of the country.

5 You will see III:

6 "Even more troubling than the way these
7 plans were developed is the Forest
8 Service's utter reluctance to use the
9 plans as the framework for resolving
10 subsequent public lands conflicts.
11 One could perhaps accept the fact that
12 the plans were developed imperfectly if
13 there was some assurance that they
14 could - and would - be implemented to
15 achieve the indicated resource outputs.
16 However, that has unfortunately not been
17 our experience in the Intermountain West.
18 The Agency's general response to plan or
19 post-plan challenges of individual
20 activities had been to either: (1)
21 assert that the plans were not meant to
22 revolve particular issues; or (2)
23 ignore the plans altogether in order to
24 hopefully cobble together a possible
25 solution to a pending conflict.

1 I would like to discuss each of
2 these problems in turn."

3 And the first one:

4 "Conflict over plan decisions on
5 individual activities in roadless areas
6 scheduled for multiple use by the plans
7 have driven the Forest Service to suggest
8 that the plans do not include adequate
9 environmental justification to support
10 these decisions."

11 That development is described in the
12 following page:

13 "Early last year, a most shocking
14 development occurred as the Forest
15 Service attempted to deal with an
16 administrative appeal to the Idaho
17 Panhandle National Forest plan by the
18 Idaho Conservation League. In his
19 decision, the Chief held that the
20 analysis included in the final forest
21 plan was only sufficient to support the
22 allocation of lands between roadless and
23 non-roadless status. Any subsequent
24 activities to be conducted in the areas
25 designated for multiple uses other than

1 wilderness would be subjected to an
2 additional level of environmental
3 analysis, including (in many cases) a
4 separate Environmental Impact Statement.

5 This is after the planning process has
6 been completed and it he goes on to say:

7 "In simple terms, the Forest Service
8 redefined the nature of the forest plans
9 as documents which justify what will not
10 be done in the national forests.
11 However, the plans do not, by the same
12 token, provide an adequate justification
13 for affirmation decisions to conduct real
14 activities in areas that are not reserved
15 for wilderness use. The asserted
16 rationale for this decision is that
17 additional environmental analysis in the
18 future will consider, and where
19 appropriate justify, any individual
20 activities in roadless areas scheduled
21 for multiple use values. Therefore,
22 any challenge to the conduct of these
23 activities must be brought at this later
24 time, rather than upon completion of
25 the forest plan. While this may appear

1 to represent a clever means of postponing
2 the day of reckoning for such challenges,
3 it is not.

4 This approach will essentially push
5 conflicts into the future as the Agency
6 attempts to implement forest plans,
7 rather than bring them to a resolution
8 upon completion of the planning process.

9 This means that there is essentially no
10 closure in the forest planning process."

11 Now, if you just look at those comments,
12 if you have a plan which has gone through the
13 environmental assessment and the planning process that
14 we have described, what in the end does that plan mean
15 if parties cannot rely upon it?

16 A. I'm not familiar with this region's
17 plans or the real substance of the Industry's opinion.
18 I am always a little nervous about accepting either the
19 environmentalists' position or the Industry position as
20 being the full picture. So I begin with that
21 nervousness, knowing Mark Ray and his points here.

22 On the other hand, just taking that on
23 face value, it is not clear to me whether the Forest
24 actually resolved that issue. In the Forest dealt with
25 the roadless areas and made a decision to dedicate

1 those roadless areas to particular multiple uses and
2 assigned values to them in terms of timber production
3 or whatever it was and then failed to support that
4 decision, I think we got a problem. That's not to say
5 it doesn't happen.

6 I don't necessarily see that is exactly
7 what happened. I suspect that what the Forest did,
8 right or wrong, was jump through the first hoop and
9 settle the issue whether this would remain roadless in
10 terms of the definition of roadless, thus making it
11 eligible for wilderness classification, as opposed
12 to -- well, either keeping it eligible for wilderness
13 or saying no, it will be managed for other multiple
14 uses, but then failed to assign any particular multiple
15 uses to it. I think that's probably what happened. I
16 don't know that for sure.

17 Q. You are speculating there?

18 A. I am speculating there, but either
19 way it could have happened.

20 If it happened that the Forest assigned
21 multiple use activities and targets to it and then just
22 threw it up in the air, then I think you've got a
23 problem.

24 Q. All right.

25 A. You shouldn't do that. If you can't

1 make all those decisions in the planning process, be
2 upfront about it: All we can do is deal with the
3 roadless issue, we are going to have to come back,
4 revisit that for the precise activities that would
5 occur there.

6 I think this happens sometimes, sometimes
7 in the time frame or a decision is made to defer those
8 decisions. I'm not very happy with that myself, but I
9 can't second-guess what happened here.

10 Q. The next submission to the senate is
11 by Deborah Baker, Executive Director of Region 8 Forest
12 Service Timber Purchasets Council, dated October 25th,
13 1989.

14 I tender that, Madam Chair, as the next
15 exhibit.

16 MADAM CHAIR: That will be Exhibit 1777.

17 Do you want to identify it again and the
18 date and the number of pages.

19 MR. COSMAN: Yes. It is a statement for
20 the record of Deborah Baker, Executive Director of
21 Region 8 Foest Service Timber Purchasers Council before
22 the subcommittee I described before without reading it
23 all through, Madam Chair, of the United States Senate,
24 October 25, 1989.

25 You will see on page 1 -- I guess I

1 should give you the number of pages. It's 16 pages
2 with appendices of five pages.

3 ---EXHIBIT NO. 1777: Statement for the record of
4 Deborah Baker, Executive Director
5 of Region 8 Forest Service Timber
6 Purchasers Council before the
7 Subcommittee on Public Lands,
8 National Parks, and Forests
9 Committee on Energy and Natural
10 Resources and the Subcommittee on
11 Conservation and Forestry
12 Committee on Agriculture,
13 Nutrition and Forestry,
14 of the United States Senate,
15 dated October 25, 1989,
16 consisting of 16 pages.

11 MR. COSMAN: Q. This is the Region 8
12 Forest Timber Purchasers Council, as identified on page
13 1, as an affiliation of the Southeastern Lumber
14 Manufacturers Association, Southern Forest Products
15 Association, National Forest Products Association and
16 over 130 member companies who purchase federal timber
17 in the south. So we move to the south here.

18 Just on page 2, at the bottom of the
19 page, Ms. Baker makes a reference to the wood supply
20 from public - or national forest lands and there is an
21 interesting distinction made. She says:

22 "In spite of their large acreage, in 1986
23 the national forests contributed only
24 13.5% of the total wood fiber produced
25 from public and private timber lands and

1 18% of all softwood produced."

2 We have heard the 18 per cent figure
3 before. Are you familiar with the 13.5 per cent
4 figure? I guess that is hardwood and softwood; is it?

5 A. I really don't know.

6 Q. Okay. In any event, if I could ask
7 you to turn -- I am only going to ask you to turn to
8 page 11 and 12 of this particular submission to the
9 Senate. Item V:

10 "Forest plans in the eastern regions were
11 completed early under this emphasis on
12 non-commodity values, and have been
13 unable to meet even the reduced levels of
14 outputs called for in the forest plans.
15 The forest plans in the east and south
16 were among the first to be completed
17 under this emphasis on non-commodity
18 values. As I already have mentioned,
19 since the first plans were completed in
20 1985 many have now been resolved of all
21 appeals and judicial challenges.
22 However, even with all challenges
23 resolved, the forests have been
24 unable to meet the production
25 goals of the forest plan. Several

1 factors are responsible for this
2 shortfall, including: (1) congressional
3 funding levels, and (2) appeals of plan
4 implementation decisions...."

5 I guess that's even with the plan
6 approved you still have the appeal process for the
7 implementation decisions.

8 "...in some case, the development of a
9 confusing method for forest plan
10 implementation."

11 Then Item A, the submitters here to the
12 Senate make this point and I am going to ask you to
13 comment.

14 "Notwithstanding the debate over the
15 forest plans, many timber sale and other
16 project decisions have been appealed on
17 forests throughout the east. Where such
18 projects have been appealed, the process
19 has at best caused lengthy delays in the
20 Agency's ability to offer timber for
21 sale. At worst, some forests have
22 repeatedly withdrawn timber sale
23 decisions and have not yet offered a
24 new timber sale which can be operated
25 under the forest plan. As a result, in

1 nearly all cases the Forest Service is
2 behind in its timber sale offerings, and
3 the outlook for many forests next year is
4 bleak."

5 This is from the perspective, obviously,
6 of the producers who rely upon those national forests,
7 but is that something you haven't heard before?

8 A. I'm really not familiar with this. I
9 think some of this is occurring throughout the national
10 forest system. That's really about all I can say about
11 that.

12 Q. Okay. And the final submission,
13 something closer to home, is a statement for the record
14 of James Geisinger, President of Northwest Forestry
15 Association before the Senate Subcommittee.

16 MR. MARTEL: At the rate we are going we
17 are going to run out of paper soon.

18 MR. COSMAN: Something has to be done to
19 turn this cycle around for the Industry.

20 MADAM CHAIR: Good for your clients, Mr.
21 Cosman.

22 MS. SWENARCHUK: Well, we try using
23 recycled paper and coping on both sides.

24 MR. FREIDIN: Mr. Martel, just while we
25 are having a relaxing break, in Exhibit 1775 there was

1 a misprint that said it was a Mr. Hatfield, if you
2 recall. I think it was probably you because it says:

3 "So what, Mr. President, are we going to
4 make of this massive information."

5 MR. COSMAN: All right. This is an
6 example of some 13 years after the introduction of the
7 new --

8 MADAM CHAIR: Excuse me. Could you
9 identify this, Mr. Cosman?

10 MR. COSMAN: I'm sorry. Statement for
11 the record of James Geisinger, President of the
12 Northwest Forestry Association before the same
13 subcommittee of the U.S. Senate, dated October 25,
14 1989. It is 23 pages.

15 ---EXHIBIT NO. 1778: Statement for the record of James
16 Geisinger, President of the
17 Northwest Forestry Association
18 before the Subcommittee on Public
19 Lands, National Parks, and
20 Forests Committee on Energy and
21 Natural Resources and the
22 Subcommittee on Conservation and
23 Forestry Committee on Agriculture
24 and Nutrition and Forestry of the
25 U.S. Senate, dated October 25,
1989, consisting of 23 pages.

22 MR. COSMAN: Q. The first paragraph on
23 the first page, you will see the Northwest Forestry
24 Association, which I am sure Mr. Smith is well
25 acquainted, is described as:

1 "A regional trade association
2 representing the interests of 75 forest
3 landowners and forest product
4 manufacturers in Oregon and Washington."

5 For this particular example, again you
6 have a group who have gone through the planning process
7 and are turning to Congress for solutions, and I turn
8 to page 21, last paragraph, and again I could spend a
9 lot of time with all of these, but the last paragraph:

10 "Finally, Congress will need to either:

11 (1) legislate the completion of the
12 Region 6 and northern California
13 plans..."

14 Just stopping there. The 1976
15 legislation which requires the preparation of plans,
16 which we all -- which was considered to take some five
17 years to implement at the time, we are 13 years or I
18 guess 18 years later, 15 years later and there are a
19 number of plans in California where the plans have not
20 yet even been finalized, separate and apart from
21 administrative appeals and judicial review; is that
22 right?

23 A. That's right. I think there are
24 eight plans left.

25 Q. "... (2) extend the interim solution

1 provided by the FY 1990 appropriations
2 bill at least through FY 1991 and perhaps
3 indefinitely."

4 So it is back to what maybe Senator
5 Hatfield called the band-aid solution of interim
6 appropriations; is that correct?

7 A. Yes.

8 MR. MARTEL: Do sometimes they just tack
9 an appropriation on a certain piece of legislation and
10 hang their hat on it so that what you want to go
11 through doesn't go through unless you accept the little
12 add-on? Is that the way it works?

13 THE WITNESS: I think maybe then
14 incentive is more that the appropriations bill really
15 needs to get through and the appropriations committee
16 will tack on little pieces of direction so that the
17 administration, the president will sign it and not
18 quibble too long about it.

19 Generally the Forest Service doesn't have
20 a big hand outside of just consultation and the Forest
21 Service has to accept what Congress says. I believe
22 the strategy is more towards getting the president to
23 sign it rather than set it aside and quibble about it.

24 MR. COSMAN: Q. I now turn to a new
25 subject which originally was going to take a long time

1 but it won't this time because we are talking about
2 FORPLAN.

3 Before I do that --

4 A. Mr. Cosman, I just want to say to the
5 Board, you know, I have a lot of feelings about all of
6 this. You've not asked me and I am not going to
7 volunteer, I just don't want you to believe that I'm
8 rolling over.

9 Q. No, no, you are answering the
10 questions you are asked.

11 A. There is a lot of very subtle things
12 back in most of these that I think you as a political
13 leader would probably suspect. They're there.

14 MR. MARTEL: We use to order them one
15 from each side as you heard them just so as to give it
16 some balance.

17 MR. COSMAN: You did notice that I filed
18 the Audubon and Wilderness Society ones first.

19 Q. In terms of FORPLAN, even though you
20 have, I believe, in your testimony indicated that you
21 don't have a great deal of confidence or faith in
22 FORPLAN, FORPLAN with respect to the plans that have
23 been produced under the NFMA, under the NFMA
24 regulations FORPLAN was mandated in the preparation of
25 these plans?

1 A. It was mandated by the agency.

2 Q. Yes.

3 A. Yes.

4 Q. In fact, even the Willamette plan
5 that we have as an exhibit, and I won't even refer to
6 the specific pages, was FORPLAN was used extensively to
7 arrive at the various options, alternatives that
8 were -- that you presented some of in your evidence?

9 A. To help compare them and measure them
10 in terms of outputs, that's correct.

11 Q. Just so we have the context, even
12 though you yourself are saying today that is not a good
13 idea --

14 A. I would like to clarify that when you
15 are through.

16 Q. All right. I didn't want this to
17 slip by.

18 A. I'm not saying FORPLAN is a bad idea.
19 You know, I'm not one that will say that linear
20 programming in that kind of tool is bad. I think it's
21 good. I think FORPLAN got carried away.

22 I believe that the computer and all of
23 the analysis that came out of the computer began to
24 obscure the issue rather than contribute to it in some
25 cases.

1 Some national forests, it seemed to me,
2 didn't need FORPLAN at all. I mean, they weren't
3 producers of timber and other commodity products and I
4 don't see that that was any great advantage in forcing
5 them through those hoops. I believe the Forest Service
6 could have managed FORPLAN much better, put it in
7 proper perspective.

8 It's all right to have a computer linear
9 programming tool, but let that provide information and
10 data to the decision-maker who then in concert with the
11 public, you know, makes some judgments and decides in a
12 human way. I don't think this is limited to the Forest
13 Service. A lot of agencies and private sector tend to
14 let the computer run away with itself. So I don't want
15 to represent it as a bad idea. I think it's a good
16 idea and that maybe it was misapplied.

17 Q. Well, put it this way. No. 1, it was
18 mandated by the agency in the production of forest
19 plans; correct?

20 A. That's correct.

21 Q. It was used by the agency
22 including -- in producing the plans that were produced
23 pursuant to the legislation?

24 A. That's right.

25 Q. It has been the subject of a lot of

1 criticism for some of the reasons you have given of
2 being too complex, too unweidly and a matter -- I'm
3 adding, a matter of some mystery and difficulty for the
4 public to accept? Would you agree with that?

5 A. Yes.

6 Q. So you are saying in qualifying my
7 question to you that you are not saying there should
8 not be a linear program, but that this particular
9 model, with its complexity, was a problem?

10 In fact, that has been recognized by the
11 agency which under its proposed regulations that you
12 refer to is proposing that it no longer be a
13 requirement. Are you aware of that?

14 A. They are not proposing anything yet.
15 They are suggesting that these are possible proposals.

16 Q. It is a preliminary proposal?

17 A. Yes.

18 Q. But the agency itself in its
19 preliminary proposal is no longer mandating FORPLAN as
20 it used to?

21 A. It's a consideration.

22 Q. What I have done is I have put
23 together and I am going to ask you whether -- I have
24 all the background paper and I am prepared to go into
25 them in detail if anyone wants, but I am hoping we can

1 do it this way to avoid a lot of difficulty or time
2 anyway.

3 I have prepared or had prepared a
4 document of the FORPLAN literature search that makes a
5 number of comments about FORPLAN itself and I just want
6 to see if I can just get your agreement or disagreement
7 with the comments that have been made.

8 MADAM CHAIR: Mr. Cosman, is this a good
9 time to take the afternoon break and let Mr. Smith read
10 these three pages?

11 Let's make them an exhibit first. This
12 will be Exhibit 1779. Again, could you describe what
13 you have.

14 MR. COSMAN: It is a series -- it is a
15 three-page document with quotations from various
16 sources that are identified that comment on FORPLAN and
17 it is really a summary from various papers presented at
18 a symposium in Denver, Colorado with respect to
19 FORPLAN.

20 MADAM CHAIR: What was the date? 1986 is
21 that date?

22 MR. COSMAN: 1986.

23 ---EXHIBIT NO. 1779: Three-page document with
24 quotations from various sources
25 that comment on FORPLAN taken
from various papers presented at
a symposium in Denver,

1 Colorado and prepared by
2 Industry.

3 ---Recess at 2:35 p.m.

4 ---On resuming at 3:00 p.m.

5 MADAM CHAIR: Please be seated.

6 MR. MARTEL: I think we should buy a
7 dozen of these.

8 MR. COSMAN: What's that?

9 MR. MARTEL: I read this and we should
10 buy a dozen of those for MNR.

11 MR. COSMAN: We will see if our witness
12 agrees.

13 Madam Chair, I am going to just skip
14 around a bit.

15 Q. Jumping to Norman Johnson and just
16 highlighted:

17 "FORPLAN remains almost as much a
18 mystery to most people in the Forest
19 Service as almost 8 years ago. It
20 certainly remains a mystery to people
21 outside the Forest Service.

22 I have outlined below six reasons for
23 this phenomenon:

24 (1) FORPLAN's inherent complexity;
25 (2) lack of publication about it in

1 scientific journals;

2 (3) lack of in-depth analysis of its
3 results;

4 (4) separation of the people with forest
5 planning problems from people analyzing
6 these problems;

7 (5) the counter-intuitive way FORPLAN
8 represents problems; and.

9 (6) lack of model's availability to
10 outsiders."

11 Do you agree with that?

12 A. I think there is a lot of truth in
13 what Norman Johnson says. I don't know what scientific
14 journals and the publishing that might contribute.
15 This was after all a new and developing model, first
16 time used. I think there will be a lot written about
17 it.

18 The last point about the lack of model's
19 availability to outsiders, I'm surprised Norm Johnson
20 said that because he used it extensively. He worked
21 for the State of Oregon, represented the governor in
22 dealing with it.

23 Q. Maybe that's why he did say it.

24 A. He certainly had, again, the
25 wheelbarrels loaded with material. Also, the timber

1 industry used it extensively and some of the
2 environmentalists used it extensively. Most others
3 didn't want to use it.

4 Q. You said in your own witness
5 statement that it is a very complex, overly complex
6 model; did you not?

7 A. I think it was complex and it was
8 allowed to overrun judgments.

9 I'm not disagreeing with any of this, it
10 is a little bit matter of degree. The whole paper is
11 devoted to sort of bashing FORPLAN and I was around
12 during that time and I was a basher also. I got tired
13 of using it. I didn't want it to overtake us, and this
14 was in 1986. I think these kind of sessions resulted
15 in the Forest Service backing off a lot and adjusting
16 it.

17 Q. On page 2, jumping to the second --
18 the Lawrence Davis, University of Berkley paper.

19 "...multiple goals, multiple outputs,
20 multiple decision makers and multiple
21 planning periods for heterogeneous alnd
22 tracts of period 1 million acres lets
23 us easily conceive of linear program
24 matrices with more than 1 million columns
25 and 20,000 rows. Reality forces us to

1 compromise on less, at least for now, and
2 there is real concern that present models
3 already may be too large.

4 Original mapping and inventory is
5 expensive, especially if you want
6 accuracy sufficient for convincing
7 ground truth validation. Many times you
8 will want to restratify the land base,
9 say to look at different allocation
10 zones or different ways to model wildlife
11 habitat, and this requires a reasonably
12 high resolution spatial data base and a
13 geographic information systems to use it.

14 Timber inventory plots records have to be
15 located spatially or be identified
16 by enough strata labels or bio-physical
17 land attributes that they can be sorted
18 and regrouped to match the chosen land
19 strata. Another aspect of data base
20 development is that it's slow business.
21 It could take 3 for 5 years to finish a
22 data base ready for research use..."

23 Do you agree with those comments, sir?

24 A. Dr. Davis probably is three or four
25 plains above me. I think he is probably -- well, I

1 know he is right on the first point. There is
2 unlimited possibilities.

3 Let me tell you one thing I did like as a
4 regional forester about FORPLAN, though. Somebody
5 could come to me with a proposal, and let's just take a
6 simple thing of forest areas being on a rotation of say
7 70 years, I could visualize in my own mind what that
8 forest would like like if it was cut-over every 70
9 years, and I would ask them: Tell me what that means
10 if we went to 80 years or 120 years. You know, one
11 advantage is at least they could come back with some
12 sense of quantification of meaning the next morning.

13 I really like that. Whether it was
14 totally accurate, it gave me a sense of what was
15 happening. So I think the tool is useful, but it needs
16 to be utilized more in sort of a 'what if' sense. I
17 prefer to develop kind of the general feeling about
18 alternatives and then alter them a bit and see what
19 would happen.

20 Q. Clark brink Brinkley's comments:

21 "As with most problems in natural
22 resource economics, the costs appear more
23 for clearly than the benefits.

24 The costs of developing the FORPLAN
25 system and the FORPLAN models for each

1 national forest apparently are not known
2 with any degree of certainty, but are
3 thought to be several hundred million
4 dollars."

5 A. Who do you believe? Orville Daniels
6 says it cost 4200,000 a year on the front page and
7 Brinkley says it cost several hundred million dollars.
8 It is probably somewhere inbetween there. So I don't
9 know. I can't really comment with any authority on
10 that.

11 Q. Are you an authority on FORPLAN?

12 A. No, I don't consider myself on
13 authority on FORPLAN.

14 Q. Page 3:

15 "Beuter and Iverson ask if FORPLAN will
16 lead to better decisions. Because all
17 national forest planning relies on
18 FORPLAN, there is no way of wholly
19 answering this question. However, better
20 decisions must, by definition, differ
21 from past ones. Beuter and Iverson's
22 question can then be partially answered
23 by determining if FORPLAN has resulted in
24 decisions which differ from the ones made
25 under earlier planning systems. Little

1 evidence has been presented on this
2 point. Schweitzer et al (1986) argue
3 that current decisions probably differ
4 little from past ones because 'there are
5 powerful forces in the forest planning
6 process that influence most forest plans
7 to be similar to traditional types of
8 forest management.' If the use of
9 FORPLAN is not altering forest management
10 decisions, then this costly planning
11 procedure does not achieve Simon's
12 desideratum for procedural rationality."

13 Let me ask you a question. With respect
14 to the Willamette Forest, I think you have told us that
15 after you spewed out various alternatives that the
16 actual alternative that was chosen was not one that
17 FORPLAN developed or spewed out?

18 A. That's right. None of those
19 alternatives were FORPLAN generated alternatives.
20 FORPLAN is more one of measuring things, assisting and
21 evaluating, determining outputs and that sort of thing.
22 FORPLAN, you don't just put a bunch of data in and let
23 FORPLAN develop an alternative. People develop
24 alternatives and FORPLAN helps them shape it and
25 measure it.

1 Q. Well, they analyse the alternatives;
2 don't they?

3 A. Yes, that's a good way to put it,
4 analyse the alternatives.

5 That's correct. I wasn't responsible for
6 this plan, but I watched enough plans being prepared to
7 know that they probably used FORPLAN to analyse it, the
8 forest supervisor probably was briefed by staff, had
9 FORPLAN information and he used that in arriving at his
10 decision.

11 Q. It says in the plan that it was used.

12 A. Yes, that's what I said, too.

13 Q. I thought you said it was probably
14 used?

15 A. Well, probably in terms of the extent
16 of it. Obviously it was used.

17 Q. Okay. Do you agree with Clark
18 Brinkley's comments on page 3?

19 A. Beuter and Iverson's...

20 Q. Yes.

21 A. You know, I think that's probably
22 true in a lot of respects. We might have come out
23 fairly close to where we were.

24 I don't want to minimize FORPLAN's
25 ability to cast up all kinds of options and answer

1 questions, but sometimes the obvious is there and that
2 may have been where you ended up to begin with.

3 It did allow us to tinker a bit with
4 alternatives, such as the rotation age, you know,
5 moving the rotation age back and forth a little bit.
6 In my view it probably didn't cause us to select
7 something entirely different than what we would have
8 already -- what might have been shaped a little bit
9 differently.

10 Q. Next Bruce and Wensel:

11 "Some users may care little about the
12 quality of model and instead are
13 fascinated by the beauty and completeness
14 of the tables generated. People with
15 little experience with models often think
16 they can do more than they really are
17 capable."

18 These are general statements. Would you
19 agree with them as general statements?

20 A. I think some technician's fit the
21 first point. They get fascinated and absorbed by that.

22 The second point, people with little
23 experience expect too much, I really think all of us
24 started out that way that didn't know very much about
25 linear programming and computers, myself included. I

1 didn't realize the limitations of them, but it didn't
2 take too long to figure that out.

3 Q. So would you accept in conclusion
4 that the dropping of FORPLAN as a requirement in the
5 draft proposed regulations issued by the agency is the
6 proper direction?

7 A. Well, if not dropped, certainly
8 changed. I really think there are probably better
9 models, linear models for forest planning and it is my
10 understanding the Forest Service is in the process of
11 developing those models. So I wouldn't drop this as a
12 tool, but I certainly wouldn't slavishly follow FORPLAN
13 again.

14 Q. What you are saying is you wouldn't
15 drop linear programming as a tool but you would hope
16 that they would develop simpler models?

17 A. Yes.

18 Q. Thank you. I am now going to ask you
19 to look at a flow chart that I have prepared myself on
20 the basis of various information and I can do it all
21 orally, but I have put it in a demonstrative form. If
22 there is anything in it that's incorrect or you
23 disagree with as we go through it I want you to tell
24 the Board.

25 Now it can be described as time frame

1 required to have a timber sale implemented under an
2 approved land and resource management plan for the
3 Willamette National Forest. Willamette; is it?

4 A. You almost had me saying it that way.
5 When I go home I will be trouble.

6 MADAM CHAIR: This will be Exhibit 1780
7 and it is a one-page table done by Mr. Cosman?

8 MR. COSMAN: Yes, done with assistance
9 obviously of my able colleagues, Mr. Munro, but
10 basically it is an illustration of a critical path
11 chart of the U.S. planning system using Willamette as
12 the model.

13 ---EXHIBIT NO. 1780: Illustration of the time frame
14 required to have a timber sale
15 implemented under an approved
16 land and resource management plan
for the Willamette National
Forest prepared by Mr. Cosman and
Mr. Munro.

17 MR. COSMAN: Q. If we take -- you will
18 see that there are arrows and dates, but starting in
19 the left-hand column, 1974, you have the enactment of
20 the RPA, the Resource Planning Act; and in 1976 you
21 have the enactment of the NFMA which specifies that
22 land and resources shall be developed -- land and
23 resources plans.

24 Sorry, Madam Chair. You will see under
25 1976 land and resources plans shall be developed for

1 each forest.

2 Am I right so far?

3 A. Yes, you have picked up the same
4 thing I did.

5 Q. All right. Then although there was
6 an anticipation that these plans could be done within a
7 five-year period, it took some longer period, but I
8 just want to talk about the steps along the way.

9 1984, we have the agency's development of
10 the Pacific northwest region guide, the finalization of
11 that?

12 A. If I could, there was an important
13 step between those two and that was the development of
14 the regulations.

15 Q. Okay.

16 A. The NFMA statute was passed in 1976
17 and that provided for, as you recall, the appointment
18 of a committee of scientists to develop the planning
19 regulations which were really the details and that took
20 some amount of time. I forget just when they were
21 issued, but those regs were then issued prior to any
22 planning beginning.

23 Q. Do you have the date of the issuance
24 of the regs? Can you find that?

25 A. I think I can give those to you. It

1 was in our source book and I don't see a date on those.
2 Wait a minute.

3 MR. FREIDIN: Madam Chair, I think I have
4 those dates. The first set of regulations were issued
5 as 44 FR 53928 on September the 17th, 1979 and they
6 were amended by another set of regulations in the
7 Federal Register on September the 30th, 1982.

8 The citation for the 1982 one - I am not
9 too sure how you cite these - is Federal Register
10 Volume 47, 36 CFR, part 219.

11 MR. COSMAN: Q. I have put 1979 and
12 1982, in that time frame with the development of
13 regulations, and then in 1984 we have the Pacific
14 northwest region guide being finalized.

15 MADAM CHAIR: Excuse me, Mr. Smith. Your
16 evidence is that following the NFMA in 1976 a panel of
17 scientists worked on the content of the regulations.

18 THE WITNESS: Yes. The statute provided
19 that a committee of scientists be appointed and then
20 they developed the planning regulations for the Forest
21 Service.

22 MADAM CHAIR: All right.

23 MR. COSMAN: Q. 1982 was the second set
24 of regulation amendments. All right.

25 Then let's take -- okay. Anything else

1 that you want to add?

2 A. Not up to that point.

3 Q. All right. 1987, a draft land and
4 resource plan was made available for the Willamette
5 Forest?

6 A. Actually it was a draft environmental
7 impact statement.

8 Q. Okay. Draft EIS at that point in
9 time. From '87 to 1990, I believe it was in those
10 three years that the fruitful discussion group did its
11 job; am I right?

12 A. I really don't know. I know it was
13 being used some time during that period. I don't know
14 when it was first formed exactly.

15 Q. Okay. A very important date we left
16 off, we can probably draw a line through that arrow
17 going down to 1988, Zane Smith retires and is not
18 responsible for what happens thereafter.

19 A. All right.

20 Q. 1990, that's after you have left, we
21 understand that there was a land and resource
22 management plan approved by the regional forester --
23 signed off by the regional forester?

24 A. Yes. By the way, I was not
25 responsible for this plan. I didn't retire from this

1 place.

2 Q. All right. You retired from
3 everything?

4 A. Yes.

5 Q. All right. We know I think from the
6 exhibits you filed and also by independent check that
7 after 1990, after the regional forester signed off from
8 the plan, there are ten forest plan appeals on major
9 issues that were raised, I think you categorized them
10 or classified them, and there is the possibility of
11 course of court challenges after that?

12 A. That's accurate. I wouldn't
13 characterize them as major issue. In fact, one of them
14 was quite a trivial issue.

15 Q. Certainly one was. I think you
16 identified one as being --

17 A. I didn't really look at them from the
18 standpoint of being major or minor, but they are
19 serious matters, all of them.

20 Q. I will call them serious issues.
21 Then we know that -- and we are really going to be
22 doing some overlap here, that it takes three to eight
23 years for a timber sale to be planned.

24 So what I have done, if you take 1990,
25 assuming for the moment -- we are setting aside the

1 appeals, if there were no appeals, if we had a timber
2 sale pursuant to the plan, the earliest it would be --
3 the preparation would take -- at least the earliest you
4 would have it would be in 1993 and the latest in 1998,
5 just taking that three to eight years for timber sale
6 plan preparation.

7 See what I am doing?

8 A. Yes, and on the surface that might be
9 seem the case. However, this pipeline had been
10 developed prior to the plan being approved in
11 accordance with the old plan.

12 If you recall the two plans, what existed
13 and what was actually adopted, there is a lot of common
14 prescription. So that there were many plans in the
15 pipeline that just spit right out as normal and they
16 might not be precisely pursuant to the plan, but they
17 were consistent with the plan and, therefore, did not
18 have to be reworked.

19 Q. We know here that there are ten
20 appeals on serious issues, we know that -- I know that
21 throughout this period -- I mean, life didn't stop and
22 that timber sales took place under old legislation or
23 consistent with what had been going on, but I am
24 talking about a timber sale that proceeds in accordance
25 with the upper tier document, the plan as approved.

1 You have got the land and resource
2 management plan approved by the regional forester
3 subject to various appeals. The earliest from the date
4 of the approval of that plan to have a timber sale
5 pursuant to that plan would be three years.

6 MR. MARTEL: Is this the worst-case
7 scenario we are doing?

8 MR. COSMAN: You will see I am trying to
9 take an average and I am trying to take a shorter case
10 scenario. The worst-case scenario I have up about 31
11 years.

12 MS. SWENARCHUK: Can we just clarify, the
13 worst-case scenario for what? Timber sales are
14 proceeding --

15 MR. MARTEL: The time to get from the
16 starting date. What I am looking for is, is this the
17 worst from the day -- say in 1990 you start the process
18 and follow it to its logical conclusion, if all appeals
19 and litigation occurred and so on, what would be the
20 length of time?

21 MR. COSMAN: That's right, that's what I
22 am trying to do, Mr. Martel.

23 What I am trying to do is put it in the
24 context of the very specific dates rather than get into
25 an argument in the abstract, the specific dates and we

1 know the the draft EIS was done, we know the
2 legislation required a plan to be prepared, we know
3 that there was some time in the development of that,
4 the development of regulations and guidelines, and so
5 from the point of time from that draft EIS forward, I
6 am just trying to get a sense of what it takes under
7 the planning system in the United States to get to the
8 point of delivering some wood to a customer.

9 MADAM CHAIR: Ms. Swenarchuk?

10 MR. COSMAN: Ms. Swenarchuk can ask her
11 questions, Madam Chair, in re-examination.

12 If she has a proper objection --

13 MS. SWENARCHUK: I have a question for
14 Mr. Martel. That question Mr. Martel is, when you say
15 that you are trying to find the starting date for the
16 process, I wanted to clarify what process you were
17 trying to find the starting date for.

18 MR. MARTEL: If I understand what is
19 being presented to us, roughly if you start the
20 planning process in 1976, 21 years takes us to 1997
21 and --

22 MS. SWENARCHUK: That's not 21 years, Mr.
23 Martel. Not the process of a timber sale.

24 MR. MARTEL: I think what Mr. Cosman is
25 trying to point out is from the beginning until the end

1 it could have taken this, it might take...

2 MADAM CHAIR: Why don't you go ahead, Mr.
3 Cosman. It is obvious to the Board that in the
4 interest of your client you want to see at the end of a
5 planning process how quickly you get a timber sale.

6 MR. COSMAN: Exactly, Madam Chair.

7 MADAM CHAIR: Let's start from there.

8 MR. COSMAN: Q. We will take it right up
9 to 1990. We will call that the land use plan. In
10 1990, subject to appeals and litigation, you have the
11 land use plan, what they call the forest plan. I think
12 the official name of the legislation is land and
13 resource management plan, in the U.S. it is called
14 forest plan. We have land use plan for that kind of
15 plan.

16 In other words, there is a period of time
17 up to 1990 to prepare the land use plan and then from
18 1990, once you have a plan in place, I am looking then
19 forward to see how long it will take to have the second
20 thing, which is a timber sale, which under goes a
21 planning process in its own right up to the point of
22 delivering wood.

23 So taking the land use plan that's been
24 approved by the regional forester in 1990, we have
25 taken it from '76 up to 1990, and then from there

1 forward I want to try to get a sense of the critical
2 path to see what it would take under the U.S. system.

3 As I understand it, there are a number of
4 forest plan appeals, possibility of court challenges.
5 Willamette is lucky because in 1990 it had a plan
6 approved. As we know, there are some forests that
7 don't have a plan approved yet, but for Willamette you
8 have the plan approved in 1990; is that right?

9 A. That's right. There is 117 plans
10 approved and 8 not approved.

11 Q. And only 65 where all the
12 administrative appeals have been completed?

13 A. That changes on a day-to-day basis,
14 but, you know, there are many outstanding appeals.

15 Q. In fact, a great many. We are not
16 talking about a few?

17 We are talking -- I will give the
18 specific information from the Federal Register, just so
19 we will put this on the record, and I will file it if
20 anyone wants. Madam Chair, this is the Federal
21 Register, Department of Agriculture, February 15th,
22 1991 and perhaps what I will do is I will file a copy
23 of that document. There may be reference to some other
24 aspects.

25 This is the document we have been

1 referring to as the preliminary draft rules that have
2 been issued by the agency to replace its present set of
3 rules. It has not gone through an ultimate proposal
4 yet, but this is the Agency's own proposal for
5 consideration by the public.

6 MADAM CHAIR: This will be Exhibit 1781.
7 Can you identify it again, Mr. Cosman?

8 MR. COSMAN: It is a copy of the Federal
9 Register for February 15th, 1991. It is 36 CFR, Part
10 219, National Forest System Land and Resource
11 Management Planning: Advance Notice of Proposed
12 Rulemaking.

13 ---EXHIBIT NO. 1781: Copy of the Federal Register for
14 February 15th, 1991. It is 36
15 CFR, Part 219, National Forest
16 System Land and Resource
Management Planning: Advance
Notice of Proposed Rulemaking.

17 MR. COSMAN: If you turn to the first
18 page -- sorry, turn to the second page, Madam Chair,
19 there is a very interesting summary of the legislation
20 starting on the second page, that's page 6508, but
21 under background in the first column, page 6508, the
22 bottom of the last full paragraph on the first column:

23 "Of the 123 land and resource management
24 plans..."

25 Do you see that? The first column, the

1 very bottom of that paragraph. The second page, 6508.

2 MR. FREIDIN: 5609.

3 MR. COSMAN: Oh, I'm sorry.

4 MADAM CHAIR: You have it marked for us,
5 Mr. Cosman.

6 MR. COSMAN: Okay.

7 Q. "Of the 123 land and resource
8 management plans (hereafter referred to
9 as forest plans) to be completed, 114 are
10 final..."

11 That is that they have been signed by the
12 regional forester; would that be the right?

13 A. Yes.

14 Q. So nine have not been signed yet by
15 the regional forester.

16 "Of these, 65 have been cleared of all
17 administrative appeals."

18 So we know that there are administrative
19 appeals outstanding with a difference between 65 and
20 123, and we know also that following administrative
21 appeals, as we have seen from the other materials
22 filed, there are court challenges and there is
23 litigation and submissions to the Congress.

24 In any event, assuming that these 10 --
25 with respect to this particular plan, you have a plan

1 signed by the regional forester in 1990, you have these
2 appeals outstanding and I am just assuming appeals
3 don't cause the plan to be changed in any way. So the
4 appeals are dismissed or minor changes are made in the
5 plan. That's not necessarily so at all because even as
6 the witness has said there are serious issues raised,
7 they are strong issues and his summary can speak for
8 itself on that.

9 But assuming that it doesn't cause any
10 delay; in other words, the plan remains as is in 1990,
11 the first timber sale pursuant to that plan as approved
12 would be in the three to eight year -- the earliest
13 three, the longest eight year basis.

14 So you can see, Mr. Martel, I am giving
15 it the best and shortest possible timeframe by assuming
16 that the appeals don't cause any delay. So assuming
17 the 1990 management plan is approved, from 1993 to 1998
18 you would have timber sales under that plan in
19 preparation.

20 Is that fair?

21 A. I would like to clarify what he's
22 saying. What he's saying is true, but I would like to
23 show you how that really happens in terms of timber
24 sales every year and take the same assumptions you do,
25 but show what exactly happens.

1 Q. Can I ask you -- I am going to allow
2 you to do what you would like, but do you agree with
3 me, first of all, and we all that there are timber
4 sales every year and life goes, I think I said that,
5 but I am talking about a timber sale pursuant to an
6 approved or the approved forest plan in a region.

7 A. I'll still have to say that the
8 timber sales sold the year following or the day
9 following, the approval of the Willamette plan, will be
10 consistent with the plan direction.

11 Q. What if the plan direction has
12 changed?

13 MS. SWENARCHUK: Mr. Cosman, the witness
14 has not been given the opportunity to state fully his
15 response to the question. I believe he is entitled to
16 that.

17 MR. COSMAN: I don't think that's true at
18 all, but in any event, of course take your time, Mr.
19 Smith.

20 THE WITNESS: It is fair to say that, you
21 know, the three to eight year period -- we say about a
22 five-year period, and that varies, to prepare a timber
23 sale from start to finish and that's more of an
24 administrative thing and I guess sort of a physical
25 thing to get through the process given the snow and all

1 the things that have to be done.

2 So the year following the approval of
3 this plan there are timber sales coming through that
4 pipeline from year one to year five and there are going
5 to be sold the year following the approval of this
6 plan.

7 All of those will be required to comply
8 with this plan. They are not grandfathered in; they
9 have to comply with this plan. So the year this plan
10 is approved, also another year's program is added to
11 the five-year schedule. Remember I said it was kind of
12 a rolling five-year schedule. One year's plan drops
13 out and is sold, another year's plan, timber sale
14 activity plan, comes on line and start the process.

15 I have got kind of a brief diagram I can
16 draw for you to show you if you are interested. If you
17 understand that, that's fine.

18 MADAM CHAIR: I don't think the Board has
19 any problems understanding that.

20 THE WITNESS: All righth.

21 MADAM CHAIR: But are you saying that in
22 your experience in all the national forests there is a
23 minimum of five years of timber sales in the pipeline
24 ready to come to every year?

25 I mean, looking at the evidence we have

1 just seen in the Senate material, they are saying for
2 at least five years you haven't even had a source you
3 could rely on for the next five years with respect to
4 new timber...

5 THE WITNESS: I think that's fair to say.
6 We had to compress that schedule because of challenges
7 and what have you.

8 MADAM CHAIR: So in theory this would
9 work very well?

10 THE WITNESS: Yes.

11 MADAM CHAIR: In reality, are you
12 confident that you will always have the number of
13 timber sales that are required every year?

14 THE WITNESS: You can't really guarantee
15 that. We plan on the basis of five years. Our forest
16 supervisors are ingenious enough to compress that
17 sometimes to two years. If they really hold their feet
18 to the fire, sometimes they can find a way. They will
19 select an area that is easy to work with, in the low
20 country they can put crews in there in the wintertime
21 and, you know, there is a certain amount of flexibility
22 over a very large land base.

23 MADAM CHAIR: Where do you make up the
24 time to compress the schedule? Do you make that up in
25 shortening the EIS?

1 THE WITNESS: Well, no. Essentially you
2 could do a little bit of that because you can add
3 overtime or you can add personnel.

4 MADAM CHAIR: Another question. I am
5 confused about the evidence you gave yesterday about
6 the two types of environmental assessment. One was the
7 formal EIS for the timber plan; the second one is a
8 less formal environmental assessment for individual
9 projects.

10 THE WITNESS: Yes. The forest plan
11 required EIS, the formal process.

12 MADAM CHAIR: Yes.

13 THE WITNESS: The individual timber sale,
14 which is one of these in each of the five-year action
15 plan, almost always is done with just an informal
16 environmental assessment. Not always, but almost
17 always.

18 MADAM CHAIR: So Mr. Cosman characterizes
19 a timber sale as requiring an EIS.

20 MR. COSMAN: That is actually not
21 accurate. It is an environmental assessment, and if
22 the environmental assessment determines that an EIS is
23 necessary there will be an EIS. That's the process.

24 THE WITNESS: That's correct.

25 MR. COSMAN: So it should really take --

1 it takes three to eight years and it is for
2 environmental assessment/EIS.

3 THE WITNESS: It is quite exceptional
4 that an EIS would be required. I think perhaps you did
5 mention something about roadless areas.

6 There are certain roadless areas, and I
7 don't know of any in the Pacific northwest but there
8 can be, where the issues are so intense that the Forest
9 Service has elected to go the EIS route, but 99 per
10 cent of the timber volume is processed with an informal
11 EA.

12 MR. COSMAN: Q. You do agree that timber
13 sales do take three to eight years to prepare?

14 A. Ideally we plan for five years. You
15 can compress that. What it means is that you forego
16 work on other timber sales in order to get another
17 timber sale through faster.

18 Theoretically all that will balance out,
19 but it takes a lot of balancing on the part of the
20 district ranger to allocate his resources and, you
21 know, time it just right.

22 Q. So from day one, if you want a timber
23 sale, to plan to achieve that timber sale you will get
24 it in day three at the earlier - or year three at the
25 earliest and eight the latest as an average?

1 I will read to you from the Conservation
2 Foundation report source on this right on that point if
3 you would. It was marked as an exhibit earlier. Maybe
4 I will just read the statement:

5 "Timber sales take three to eight years
6 to prepare depending on the size of the
7 timber program on a given district,
8 size of the sale and complexity of the
9 site-specific situation."

10 You are not disagreeing with that; are
11 you?

12 A. No, but that's the Conservation
13 Foundation words. I think that's a good average.

14 When I was a district ranger sometimes we
15 prepared them in a year. It depends on the size of the
16 sale and that still happens, but the average size, the
17 the complexity of sale is probably three to eight
18 years.

19 Eight years I think is really out there,
20 three years is probably quicker than we want to. We
21 would really like to do it in five years.

22 Q. So let's take your average. You
23 would like to do in five years. The Conservation
24 Foundation in their study found it takes three to eight
25 years. So let's even take -- I will even give you the

1 three years, you do it particularly quickly, because in
2 that time you have to do a number of things.

3 Perhaps you can tell the Board what you
4 have to do in that time period? Why does it take three
5 to five years or three to eight years?

6 A. We did discuss this sort of briefly
7 before.

8 Q. Yes.

9 A. The district ranger has to peruse his
10 area and what is available in the way of land base,
11 what his targets are, condition of stands and so forth,
12 and sort of on paper based on this knowledge and
13 inventory and aerial photographs he begins to select
14 areas that five years hence he would like to see sold.

15 This is done in an integrated way with
16 the recreation, wildlife, watershed, all the other
17 people to make sure that we are scheduling these right,
18 designing these right, you know, be compatible and
19 enhance other resource values.

20 So I don't want to suggest that we do
21 timber management planning in isolation of other
22 resource. That's the whole thrust of my wanting to
23 share with you this U.S. experience. It's important to
24 do that.

25 Once that kind of paperwork is done, then

1 there is the preliminary reconnaissance involving a
2 variety disciplines, collecting site specific
3 information because this plan does not provide the
4 detailed information to account for all the variables
5 and soil and geology and archaeology and specific
6 timber types and that kind of thing.

7 The data collection goes in. They begin
8 to get a sense of where the boundaries of the timber
9 sale is, what the more precise volumes are. This
10 collection and shaping goes on for quite a long period
11 of time, and then finally the access is determined in
12 kind of a similar way, looking at alternatives and
13 consideration of all the values.

14 Then when that is sort of established,
15 there is the measurements, you know, what is really out
16 there in terms of what you are selling so that you can
17 develop that appraisal of selling product values and
18 work it backwards. All the requirements, the
19 silviculturalist, the wildlife biologist, the
20 salespeople develop requirements for the timber sales
21 so that -- maybe it needs to be high lead logged, maybe
22 it has to be helicopter logged.

23 It is going to require this kind of
24 reforestation, seed is collected and placed in the
25 nursery for, you know, lifting at a certain time to

1 replant. All those things go into it until finally we
2 have a timber sale contract prepared, the thing is all
3 laid out on the ground with tags and paint and what
4 have you.

5 A price is established and we prepare an
6 advertisement and we set a date for the auction. The
7 day of the auction or shortly after the auction the
8 money changes hands and we have sold the sale and
9 signed the contract and that's the end of the five-year
10 period.

11 Q. In that planning of the timber sale,
12 let's call it that, and you described many of the
13 different things you do, in the planning of the timber
14 sale you would take into account impacts on other uses
15 and you would take into account the relationship of
16 what you are proposing with what is in the plan that
17 was approved back in 1990?

18 A. Yes. It is really more than impacts
19 and that's a critical point. The Forest Service is
20 attempting to manage these forests, looking at it
21 before we have to talk about impacts.

22 It is timber harvest but in concert, in
23 collaboration, if you will, with other uses and other
24 resource outputs. So it's not a matter of saying we
25 are going to have a timber sale here, these are the

1 impacts, how do we best mitigate them. That's
2 functional planning and that's what we are trying to
3 get away from. What we are still doing some of, but we
4 would prefer not to be doing it that way.

5 Q. You certainly prefer not to call it
6 that, in any event?

7 A. Yes, its effect, and hopefully some
8 of it will be positive.

9 The other thing I failed to mention is
10 the public gets involved here along the way. When we
11 first enter this sale area on the five-year plan, the
12 public gets a look at that and say: Hey, that's not
13 consistent, what are you doing that for, or they say:
14 Okay, that's fine. So f the public gets involved,
15 particularly in the environmental assessment in
16 collecting the data and actually evaluating what the
17 Forest Service is about to do.

18 Q. You look at -- among other things
19 there is an environmental assessment in that time
20 period in which you look at alternatives?

21 A. Yes.

22 Q. If I were to suggest to you that --
23 I'm not talking about the planning that led up to the
24 forest plan.

25 If I were to suggest to you that starting

1 from the point of the forest plan, that your planning
2 of a timber sale is analogous in our process to timber
3 management planning, would you be able to comment on
4 that?

5 Are you familiar with the timber
6 management planning documents which describe many of
7 the kinds of things that you have just identified in
8 your description of what takes place in that three-year
9 period?

10 A. I believe that's your very thick or
11 MNR's very thick document, sort of the timber plan, the
12 functional plan for timber.

13 Q. Well, what do you understand?

14 A. I guess that's my impression based on
15 what I know. That plan does not comport with this
16 plan.

17 Q. No, I am not suggesting it comports
18 with the plan you are pointing to, the Willamette
19 forest plan, I am talking about the planning of the
20 timber sale.

21 A. We don't have anything quite
22 comparable to your timber plan. We used to. We placed
23 that with this, with a schedule and then a project
24 design. So there is nothing that quite correlates.

25 Q. What you do tell me is that once you

1 get your forest plan, looking at 1990, you go through a
2 process of planning a timber sale which takes into
3 account and covers all of the various kinds of things
4 that you have described including an environmental
5 evaluation?

6 A. Yes. It first appears on a
7 multi-year schedule along with other multi-year
8 schedules of activities, and then you get right into
9 the analysis and all those little steps we talked
10 about.

11 Q. And the object of the exercise at the
12 end of that day is for an approval of the timber sale?

13 A. Yes. Actually, to have the timber
14 sale.

15 Q. To have the timber sale. The
16 approval of the timber sale and the implementation of
17 the sale?

18 A. Exactly.

19 Q. All right. So let me just carry on
20 then. You can put 1995 if you want on top of 1993 to
21 1998 because that was the five years you mentioned, but
22 I am just sticking with the Conservation Foundation
23 time limits of three to eight years.

24 Then you have after that, once you have
25 your timber sale plan preparation you have the

1 opportunity for appeals and lawsuits, administrative
2 appeals and lawsuits and we have heard a lot about that
3 in the evidence, and according to the Conservation
4 Foundation critique on average they take one to two
5 years; that is the administrative appeals.

6 Can you comment on that?

7 A. Well, I think if you have an
8 administrative appeal it could run for a year, it could
9 run more. It could lead to litigation.

10 Most of our program is not appealed and
11 presumably a portion that is appealed today will not be
12 appealed because the forest plan is in existence.

13 So you are in a completely different
14 period of time. It would be my hope that there would
15 be much fewer appeals.

16 Q. I can assure you that that would be
17 the hope of a lot of people, but we are talking here,
18 we are projecting into the future. The plan has only
19 been approved in 1990, there are appeals outstanding to
20 the plan itself, let alone timber sales pared and
21 planned in accordance with a final approved forest plan
22 where all the appeals have been dealt with.

23 In any event, let's take 1993 to 1998,
24 you have annual -- you have timber sale plan
25 preparation completed in that period, then you have the

1 administrative appeal route of one to two years each
2 and if there is an administrative appeal the timber
3 sale doesn't take place; is that right?

4 A. If there is what now?

5 Q. An administrative appeal.

6 A. If there is an administrative appeal,
7 the Forest Service wouldn't proceed with the sale and
8 moot the question.

9 I suppose in some instances there could
10 be that, but again I come back that that 1994 to 2000
11 step is not necessarily there. It might be on a very
12 small portion of the program and that portion could be
13 substituted by other sales.

14 Q. Well, we don't know necessarily yet,
15 but I will accept your point that in some plans there
16 may not be any timber sales -- administrative appeals.

17 Judging from the materials that I have
18 read and some of the materials that have put before the
19 Board there are an awful lot of administrative appeals.

20 A. And a lot of those administrative
21 appeals are based on argument about purpose which is
22 settled here.

23 Q. You are talking about administrative
24 appeals at the planning stage?

25 A. No, I am talking about this plan is

1 approved, we work our way through the appeals there and
2 then we have a project that comports with this.

3 I'm saying that historically a timber
4 sale was appealed because people did not agree with the
5 purpose of the land allocation and that was based on
6 the old plan. In fact, a whole lot of things came
7 along, threatened and endangered species, you know, the
8 wilderness issue and so forth.

9 So the idea is that this plan is going to
10 clear the deck of a lot of those reasons for appeals.
11 It may not completely, but that's the theory.

12 MADAM CHAIR: Excuse me, Mr. Smith.

13 I think you put your finger on something
14 that the Board has discussed with respect to your
15 evidence and that is, you have talked about the ability
16 to eliminate conflict and our question is, really you
17 can go through the public participation and consensus
18 building at the forest plan stage, but there will
19 obviously always be group who are not satisfied with
20 the purpose as defined in that plan.

21 THE WITNESS: Yes.

22 MADAM CHAIR: So when you get down to the
23 specific locations where the timber operations will
24 take place, do you really think you would ever be in a
25 situation where you wouldn't still have very particular

1 conflicts that simply can't be dealt with because you
2 have to make a decision that won't please, as you put
3 it, polarized interest?

4 THE WITNESS: I think you've described it
5 very well and that's exactly what's going to happen in
6 the U.S.

7 On the other hand, I think you will have
8 disposed of a lot of that; in other words, you may have
9 conflict this broad before this is done, and I think
10 you can narrow it to conflict this broad. If he had
11 done our job properly, the appeal system and the court
12 system will sustain the action. (indicating)

13 MADAM CHAIR: Is that what has been
14 happening with appeals?

15 THE WITNESS: It has been going both
16 ways. The courts have said: Look, you are working on
17 an old land, a 1977 plan, it does not reflect today's
18 standards and statutes. That's why we have so many of
19 them and they have stuck, and it has given incentive to
20 a lot of people that don't like timber harvest at all
21 to go that route because from a technical standpoint
22 they can show the process has not been followed.

23 Now that we have followed process and
24 we've made these decision, even though everybody
25 doesn't necessarily with it, at least the process will

1 meet the test of the courts and the appeal process.

2 Once you go through the courts in our
3 country, the only thing left is legislation to change
4 the law and, of course, some people will try to do that
5 too and we won't be able to eliminate that completely.

6 Congress also reserves the right to come
7 back and adjust these kind of decisions. They can come
8 back and say: We think there should be more wilderness
9 or we think based on what you have here you better
10 raise your allowable sell quantities another increment,
11 and then we've got to go back and change that.

12 MR. MARTEL: How long can that remain in
13 the courts?

14 THE WITNESS: It's probably light years.
15 It can end up staying in there a long time. Our courts
16 are overloaded, like yours, and two things happen:
17 Sometimes it just languishes there and it just brings
18 everything to a dead standstill, and other times the
19 court grow impatient with it and dismiss is very
20 quickly. It kind of goes on both sides.

21 MR. COSMAN: Q. All right. So that
22 theoretically I think you were saying that you would
23 hope that the major issues would be resolved in the
24 forest plan, the land use plan so that there would be
25 few administrative appeals and lawsuits with respect to

1 the timber sale planning process thereby avoiding
2 delays in that?

3 A. Yes.

4 Q. Could I ask you to turn to Volume 9,
5 Exhibit 1774. If I could ask you -- do you have it?

6 I would ask you to turn to page 1, it is
7 after the Roman numerals. The second paragraph on page
8 1:

9 "Conflicts, administrative appeals, and
10 lawsuits are becoming commonplace in the
11 planning and management of timber
12 resources on the national forests.
13 Between 1983 and 1988, the total number
14 of appeals filed annually nationwide
15 more than doubled, increasing from 584 to
16 1,298. According to a recent GAO report
17 (Information on the Forest Service
18 Appeals System - February 1989)."

19 The next statement:

20 "Of the total appeals filed, 42 per cent
21 were related to either timber sales or
22 national forest plans in 1983 and rose to
23 60 per cent by 1988."

24 So I think it is fair to say that the
25 number of administrative appeals have been increasing?

1 A. That's correct. I think the longer
2 these old plans were driving timber sale projects the
3 more critical it became.

4 Granted, 1988 and '89 are fairly recent,
5 but this plan was only approved this past year and for
6 the heavy timber forest, those plans were not approved
7 until these very few past months and some of them have
8 not been approved yet.

9 So we are looking at -- what I am saying
10 is we are looking at a history. I don't think the
11 trend will remain on that trajectory. I think we have
12 accomplished a decline now, a declining trend on
13 appeals.

14 Q. I would suggest to you that the
15 evidence that we have doesn't support that, but in any
16 event I am going to ask you to assume that with the
17 increase -- assume for purposes of the Willamette
18 National Forest that there are administrative appeals,
19 forget lawsuits, with respect to the timber sale plan
20 preparation and several things could happen: It could
21 be sent back, there could be a delay for the appeal, it
22 could be sent back, it could be reworked.

23 In fact, in Volume 9 again, Madam Chair -
24 if I can find the specific reference - on page (viii),
25 the bottom of the page, I would suggest to you that the

1 evidence is that there is delay, an increasing delay as
2 a result of appeals relating to the timber sales and it
3 says:

4 "Of the timber sales..."

5 This is the last bullet,

6 "...25 to 33 per cent need to be reworked
7 every year prior to sale. Improving
8 NEPA documentation constitutes over 70
9 per cent of the rework and changes in
10 unit layout about 20 per cent."

11 Then it goes on:

12 "Preparation time and unit cost have
13 increased dramatically recently."

14 I realize this is subsequent to your
15 retirement, but it would appear that there is an
16 increase in administrative appeals.

17 But for purpose of illustration to get on
18 with it, let's assume that there are a number of
19 appeals here, assume they take the one to two years
20 that the Conservation Foundation suggest are necessary,
21 assume that the appeals are successful so they are not
22 sent back to the -- I mean the appeals are
23 unsuccessful, so they are not sent back and there is
24 reworking time or delay caused by that and by the end
25 of one or two years you have got approval of the timber

1 sale.

2 So you will see, again taking a very
3 conservative estimate I have in that time frame, 1994
4 to 2000, I have timber sales finalized and sold if the
5 appeal hurdles are met.

6 Then, again, I take harvesting activities
7 starting under the sales agreement, I take
8 implemenation as the next phase and I take the most
9 conservative time, I am doing it in one year of the
10 time of that approval, from 1995 to 1997 you have
11 harvesting activities under the sales agreement.

12 In fact, it could be longer than that,
13 could it not, in one year?

14 A. The one year relateing to what now?

15 Q. The implementation of the timber sale
16 once the timber sale is approved and the appeal hurdles
17 are overcome.

18 MADAM CHAIR: Excuse me, Mr. Cosman. Are
19 you referring to the appeal hurdles being on the
20 specific projects within the timber sale?

21 MR. COSMAN: Yes.

22 MADAM CHAIR: That's post-timber sale
23 approval and then you run into another problem in the
24 field and that's --

25 MR. COSMAN: That could result in further

1 delays. I am trying to get the shortest time period
2 possible.

3 I mean, there are all kinds of -- if
4 there are appeals that leads to reworking of these
5 timber sales. We have heard evidence as to some sales
6 not even taking place if they have to go back and be
7 reworked.

8 If the plans themselves aren't in place
9 or approved or those appeals cause a change in the plan
10 which will, therefore, cause a change in the timber
11 sale that's another fact that would have to be
12 considered.

13 I am trying to get as clean a line as
14 possible without -- on a conservative basis. I am just
15 assuming one year you got timber sale finalized and
16 then within one year you are delivering wood to the
17 mill.

18 Q. So I am going to suggest to you that
19 on that basis, taking into account both the land use
20 planning process leading up to the forest plan and the
21 timber sale planning process, you have from the start
22 of this process some 21 years at the earliest in the
23 first timber sales. Is that not a fair conservative
24 conclusion?

25 A. No, I don't think that represents the

1 real situation. It's an interesting way to display it,
2 but it doesn't take 21 years. It hasn't and won't. We
3 may have sales that will never be sold, but this is not
4 conservative, nor does it represent what really is
5 happening.

6 I would say one another thing, Madam
7 Chair, Mr. Martel, you can describe all these conflicts
8 and what is happening as a result of them. I don't
9 think the planning process caused this. In fact, I
10 think it would be much worse today. We would have
11 absolute horror stories if we had not gone to this
12 integrated planning.

13 I acknowledge there's lots of conflict in
14 the U.S. about these, we will never eliminate it all.
15 I think the conflict has been managed towards a
16 productive resolution much better than having not done
17 this. I really believe that the Forest Service would
18 have been completely brought to its knees on timber
19 sales had we not responded to the public demand for
20 change and the statutes that require, you know, this
21 kind of plan.

22 Q. I am going to suggest to you, sir,
23 where you say you don't think the planning process
24 caused this, I suppose it is better than doing nothing.

25 My suggestion to you is the planning

1 process hasn't resolved the conflicts and those
2 conflicts subsist to a point where there is an attempt
3 on the floor of the Congress to implement legislation
4 to try to facilitate the implementation of timber sales
5 under the planning process which is now in place and
6 which some of the timber manufacturers have said in
7 their submissions they can't rely upon to be assured of
8 a supply of wood.

9 A. Yes. There is also another group in
10 the Congress equally as powerful, perhaps more
11 powerful, that is ready to stop timber harvest on the
12 national forests, and I respect all these views,
13 Senator Hatfield and the others, but I think ultimately
14 the public will be best served through some sort of
15 comprehensive planning process.

16 MR. COSMAN: Madam Chair, I tried but I
17 didn't quite complete. I would think that I would
18 be -- I would hope perhaps with a little reworking an
19 hour on Tuesday morning.

20 MADAM CHAIR: Thank you, Mr. Cosman.

21 Ms. Seaborn?

22 MS. SEABORN: Madam Chair, if parties
23 - could bring with them on Tuesday morning for my
24 cross-examination MOE terms and conditions which is
25 Exhibit 1653 I maybe referring to that document.

1 There was one other matter, Madam Chair,
2 which I would like to address.

3 MADAM CHAIR: Excuse me, Mr. Martel said
4 10:30.

5 MS. SEABORN: 10:30- Thank you.

6 One other matter I would like to address
7 briefly. I have instructed by the Ministry of the
8 Environment to advise the Board and the parties that
9 the order-in-council in relation to funding was signed
10 this morning by the Lieutenant Govenor, it went to
11 Cabinet yesterday, and it will be forwarded to the
12 appropriate people at the Environmental Assessment
13 Board so that a funding panel can be struck. The
14 global amount of the funding in the order-in-council is
15 \$450,000.

16 I understand as well, Madam Chair, that
17 Ms. Patterson has been advised that this has occurred.

18 MADAM CHAIR: Thank you very much, Ms.
19 Seaborn.

20 Mr. Freidin?

21 MR. FREIDIN: Madam Chair, seeing that I
22 will probably be cross-examining on Tuesday as well, I
23 advise that the following exhibits should be in the
24 room: Exhibit 1278, Exhibits 10, 47, 48, 49, 1781 --

25 MS. SWENARCHUK: Is that one number?

1 Were the previous ones all individuals numbers?

2 MR. FREIDIN: All individual numbers.

3 MR. COSMAN: I'm sorry, would you read
4 those again.

5 MR. FREIDIN: 1278.

6 MS. SWENARCHUK: Is one number?

7 MR. FREIDIN: Is one number. Exhibit 10,
8 Exhibit 47, Exhibit 48, Exhibit 49, Exhibit 1781. I
9 have -- Exhibit 1754B.

10 I assume the whole Willamette plan would
11 be here, it is part of the Willamette plan.

12 MS. SWENARCHUK: Excuse me, do we have
13 Exhibit 1781? Oh yes, we do.

14 MR. FREIDIN: I am going to give Mr.
15 Smith a copy of another regulation that I would like
16 him to look at if he wants.

17 MADAM CHAIR: Well, are you going to ask
18 him a question about it, Mr. Freidin?

19 MR. FREIDIN: I will be. And I am going
20 to give him a copy of Volumes 1 and 11 of the land
21 management critique and I am going to be asking some
22 questions about those.

23 I do not suggest you ruin your weekend
24 reading all those because I am not too sure which
25 portions I am going to refer to, but I know there will

1 be some. I don't want to be criticized next week of
2 not having given him a chance...

3 MR. COSMAN: That the Conservation
4 Foundation critique?

5 MR. FREIDIN: Yes. It is the land
6 manager critique. Whether it is the Foundation's
7 critique or the or U.S. Forest Service -- I don't care
8 how you describe it for purposes of getting the
9 document here.

10 MADAM CHAIR: All right. Is that it?
11 (no response)

12 Okay. The Board wishes everyone a Happy
13 Easter and Happy Passover and we will see you Tuesday
14 morning at 10:30.

15

16 ---Whereupon the hearing was adjourned at 4:05 p.m., to
17 be reconvened Tuesday, April 2, 1991 commencing at
18 10:30 a.m.

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